

MINUTES

January 6, 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 7:21 p.m. the 6th day of January 6, 2009. The invocation was given by Councilmember Black. 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 Lt. Jana Dukes, 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 issues coming before Council.

Mayor Stewart presented the minutes of the regular meeting of December 16, 2008 for approval. Councilmember Jackson made a motion to adopt the minutes as presented. Councilmember O’Gwynn seconded the motion and it carried.

VISITORS

1. Melvin Horton-120 E. Plateau Avenue- Discussion on 3rd Street Fence

Mr. Horton came before Council to follow up on the issue of the fence that was put up by the owners of Studio 114, on the 3rd Avenue right of way. He questioned if Council has made a decision on making the owner move the fence. Mayor Stewart stated according to the City's attorney, the property cannot be adversely possessed even if there is an encroachment. Mayor Stewart asked for a motion.

Councilmember Monk made a motion require the fence to be removed when the road is paved. Councilmember Black seconded the motion.

Joe McMillan stood and ask Council what they had against putting the fence where it belongs. Councilmember Black stated that the fence has been in that location and is not hurting anyone at this time.

Chris Hicks of 6196 Dolphin Drive stated that he once lived on 3rd Street, and agrees with Council that the present location of the fence is not a safety issue.

Mayor Stewart stated that he had a motion to allow the fence to remain until the road is paved and a second. He then called for a roll call vote. On roll call vote the following answered:

Mayor Stewart	yes
Councilmember Jackson	yes
Councilmember O'Gwynn	yes
Councilmember Monk	yes
Councilmember Williams	yes
Councilmember Black	yes

Mayor Stewart declared that the motion passed unanimously.

2. Steve Maxime-representing SYA Baseball- requesting assistance from city to replace fence at Lions Park and other improvements.

Mr. Maxime came before Council to request assistance from the City with some capital improvements at Lions Park for the upcoming baseball season. He stated that a new fence is needed, carpeting in the batting cages needs replacing and other improvements are needed.

Mayor Stewart requested that Mr. Maxime put together a specific list and bring back to Council.

3. Paul Shuler-requesting use of Steele Creek Lodge on 2/14/09 and the fee waived for a benefit to aid the Williams Family.

Mr. Shuler came before Council to request use of the lodge for a benefit to aid the family of Melissa Williams. He stated that Ms. Williams was injured in a car accident, and later passed. The family did not have any insurance and she left three small children. He stated that her parents are residents of Satsuma.

Mayor Stewart expressed condolences to the family and asked that Mr. Shuler give the Council time to discuss this matter with the city attorney.

MAYOR COMMENTS

Mayor Stewart stated that prior to the meeting a public hearing was held to hear public comments on amending the zoning ordinance to allow for in home day cares in R1 district with certain restrictions. He stated that this matter has been discussed in several meetings with the Planning Board and they also had a public hearing. He then asked for any comments from the Council

With no other discussions, Councilmember O’Gwynn made a motion to introduce Ordinance 441 amending Ordinance 303 to provide a provision for in home day cares in R1 district and place the same up for immediate adoption. Councilmember Jackson seconded the motion and on roll call the following answered:

Mayor Stewart	yes
Councilmember Jackson	yes
Councilmember O’Gwynn	yes
Councilmember Monk	yes
Councilmember Williams	yes
Councilmember Black	yes

Mayor Stewart declared that the motion passed unanimously.

Councilmember O’Gwynn made a motion to adopt Ordinance 441. Councilmember Monk seconded the motion and it carried.

ORDINANCE NO. 441

**AN ORDINANCE AMENDING ORDINANCE NUMBER 303,
THE CITY OF SATSUMA ZONING ORDINANCE**

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

SECTION 1. It is hereby established and declared by the City Council of the City of Satsuma, Alabama that Article IV, TABLE OF PERMITTED USES, of the City of Satsuma Zoning Ordinance, Ordinance No. 303 be amended to read as follows:

Kindergartens, play schools , day care centers, and home day cares, public or private, provided that all activities are carried on in an enclosed building or an adequately fenced-in yard and that all applicable federal, state and local requirements are met.	R1	R1	R1	SE	R	R	R1	
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SECTION 2. It is hereby established and declared by the City Council of the City of Satsuma, Alabama that Article VI, 6.4, of the City of Satsuma Zoning Ordinance, Ordinance No. 303 be amended to read as follows:

f. Home Day Cares: Home based day cares shall be clearly incidental to the residential use of the dwelling and shall neither change the essential residential character of the dwelling nor adversely affect the uses permitted in the zoning district where it is located. No home based day care shall be permitted which does, or might, interfere with the general welfare of the community due to unreasonable noise, increased pedestrian traffic, increased vehicular traffic or any other condition reasonably related to the general welfare.

1) The following requirements and limitations shall apply to all home day cares:

- i. A home day care shall not have more than 6 children present at any one time, and ages in the home day care shall be those of Kindergarten age and less.
- ii. A home day care shall require a public hearing prior to approval or disapproval by the Planning Commission.
- iii. A home day care shall not be permitted if there is an existing home day care within 600 feet of the newly proposed home day care.
- iv. A home day care shall not be permitted if there are registered sex offenders in alleged violation of the legal residency restrictions of sex offenders.

- v. A home day care shall keep and maintain adequate fencing around the backyard/play area, which provides a safe environment for children.
- vi. A home day care shall operate only within the hours of 6 a.m. to 10 p.m., central time.
- vii. A home day care shall only employ a resident of the dwelling where the home day care is located, and such employee shall be certified by the State of Alabama, with evidence of such certification provided to the City of Satsuma.
- viii. A home day care shall continue to meet all the requirements and limitations of this section, and shall renew its business license from the City of Satsuma annually. Except as otherwise stated herein, a home day care shall not be required to appear before the Planning Commission for a renewal so long as it has continued to meet all the requirements and limitations of this section during the previous year.
- ix. A home day care shall meet and maintain all Federal, State, and Local license requirements and inspections.
- x. A home day care shall keep and maintain liability insurance coverage with a minimum of \$500,000.00 per occurrence/accident, and present satisfactory evidence thereof to the City of Satsuma.
- xi. A home day care owner or operator shall notify the City of Satsuma within 30 days of the sale of the home day care or the property where the home day care is located. A change in the ownership of a home day care and/or property where a home day care is located requires re-approval by the Planning Commission in order for operations to continue.
- xii. A home day care applicant shall present a copy of the tax bill or deed for the property where the proposed home day care will be located. In the case of a leased home, the owner of the property shall submit said tax bill or deed along with a letter approving the use of the property as a home day care.
- xiii. A home day care shall be confined entirely to the principal building, and no accessory buildings or outside storage shall be used in connection with its operations.
- xiv. A home day care shall not be the cause of external alterations or remodeling to the dwelling, and shall not engage in using the premises for advertising.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2009.

William Stewart III, Mayor

ATTEST: _____
City Clerk

REPORTS OF THE COMMITTEES

Councilmember Jackson stated that he did not have any reports to present.

Councilmember O’Gwynn made a motion to approve the installation of a new streetlight at 5489 Maple Avenue. Councilmember Jackson seconded the motion and it carried.

Councilmember O’Gwynn stated that she also has a request for an additional light at Jonah Court.

Councilmember O’Gwynn stated council needs to hold a financial workshop to discuss the finances of the city. After discussing the date, Councilmember O’Gwynn made a motion to have a workshop session on January 13 at 5:00. Councilmember Jackson seconded the motion and it carried.

Councilmember Monk stated the trash ramp will be open every Wednesday through the month of January from 7:30 a.m.to 3:00 p.m.

Councilmember Monk expressed condolences on behalf of the Mayor and Council to the family of Ronnie Miller.

Councilmember Williams made a motion to hire Karen Lee as Police Officer I pending a drug screen and physical. Councilmember Monk seconded the motion and it carried.

Councilmember Williams made a motion to call for a police officer I list to replace an officer who resigned in November. Councilmember Monk seconded the motion and it carried.

Councilmember Williams made a motion to approve expenditure for hepatitis shots for six police officers. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that the city currently has a laborer who is performing the duties of the animal control officer. This person now has enough time in to be eligible for a permanent position. He then made a motion to call for an animal control officer certification list from the personnel board. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that there are three police cars, which have in excess of 165,000 miles and they need to be replaced. He then made a motion to call for bids for two (2) police cruisers. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that the City will celebrate its 50th anniversary this year and he has request from Chief Benefield to allow the purchase of anniversary badges for the police department. He stated that the officers would reimburse the city for the badges.

Councilmember Williams made a motion to allow the police chief use of the city account to purchase the anniversary badges for the police officers. Councilmember O'Gwynn seconded the motion and it carried.

Councilmember Williams stated that he would like to recognize Cathy Taylor for her efforts in getting several pet oxygen masks donated to the fire department. The mask will be used to resuscitate cats, small and large dogs. Because of her efforts, all the fire trucks are equipped with the masks. He stated that Ms. Taylor was also responsible to getting the city to purchase the microchip-scanning device. This device allows the animal control officer to scan dogs to see if they are micro chipped and be able to identify the owners.

Ms. Taylor addressed the Council and stated that she would also like the city to sponsor a clinic so that residents could bring their animals to be micro chipped.

Councilmember Williams reported that three (3) firefighters need EMT training. He stated that the training is offered at Bishop State for a cost of approximately \$1000 per person. He stated that the department would send one at a time to get certified.

Councilmember Williams made a motion to approve each of the firefighters, which needs the certification, to attend the classes at a cost of \$1000 each.. Councilmember Jackson seconded the motion and it carried.

Councilmember Williams reported that an inspection in the bathroom in the firehouse shows the presence of termites and some damage to the ceiling joists. He stated that the

pest control company has given the city a price of \$300 to treat the infected area. He then made a motion to allow for the treatment of the infected area for a sum of \$300. Councilmember Black seconded the motion and it carried.

Councilmember O’Gwynn stated that she has gotten positive feedback about the city going to the county paging system.

Councilmember Black reported that the public works department is doing regular business.

Mayor Stewart acknowledged Jack Presnall. Mr. Presnall stated that he has received the commitment from the County for the matching funds for the Satsuma Veterans Memorial. He requested that James Elmore be given permission to assist with the site preparations. Council agreed.

AGENDA

- 1- Motion to adopt Resolution 2009-01-01- A Resolution authorizing expenditure of funds to Satsuma High School for Azalea Trail Maids to attend Presidential Inauguration

Mayor Stewart asked for any discussion. Councilmember O’Gwynn made a motion to adopt Resolution 2009-01-01. Councilmember Williams seconded the motion and it carried.

RESOLUTION 2009-01-01

A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO SATSUMA HIGH SCHOOL FOR EXPENSES INCURRED BY AZALEA TRAIL MAIDS ATTENDING THE 2009 PRESIDENTIAL INAUGURATION.

WHEREAS, the City has been asked to contribute to the Satsuma High School Azalea Trial Maids that have been invited to attend the 2009 Presidential Inauguration in Washington D.C. and;

WHEREAS, the City has been informed that the costs per maid is \$700 and each young lady has to raise the funds necessary to take the trip and;

WHEREAS, Satsuma High School will have four maids that will be attending this event and the request is that the City contribute \$100 each for a total of \$400.00 and;

WHEREAS, the Mayor and Council agree that the Azalea Trail Maids are ambassadors to the City and their presence at the inauguration will not only promote Mobile County but the surrounding cities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, AS FOLLOWS:

1. The City agrees to expense funds in the amount of \$400.00 to Satsuma High School to support the four (4) maids that attend Satsuma High School.
2. This Resolution to become effective immediately upon adoption by the City Council.

APPROVED AND ADOPTED this the ____ day of January, 2009.

Mayor William F. Stewart, III

ATTEST:

Vicki Miller, City Clerk

- 2- Motion to adopt Resolution 2009-01-02- A Resolution authorizing expenditure of funds and execution of contract with Alabama Bass Federation.

Mayor Stewart asked for any discussion. Councilmember Jackson made a motion to adopt Resolution 2009-01-02. Councilmember O’Gwynn seconded the motion and it carried.

RESOLUTION 2009-01-02

A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO THE ALABAMA BASS FEDERATION FOR ADVERTISING AND PROMOTION OF A FISHING TOURNAMENT.

WHEREAS, the City has been asked to enter into a contract with the Alabama Bass Federation to help with hosting a fishing tournament which will be held at Steele Creek Lodge and Park February 26,-28 2009 and;

WHEREAS, the City has received a contract from Alabama Bass Federation requesting the city expense \$3000 from the general fund account to help pay for the officials and other related costs and;

WHEREAS, the Mayor and Council agree that having a large fishing tournament in the City will promote the city by bringing in additional revenue from gas and lodging.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, AS FOLLOWS:

3. The City agrees to expense funds in the amount of \$3000.00 to the Alabama Bass Federation to assist the fishing tournament to be held at Steele Creek Lodge and Park.

4. **The City authorizes the Mayor, William F. Stewart to execute the contract with Alabama Bass Federation.**
5. **This Resolution to become effective immediately upon adoption by the City Council.**

APPROVED AND ADOPTED this the _____ day of January, 2009.

Mayor William F. Stewart, III

ATTEST:

Vicki Miller, City Clerk

- 3- Introduction and adoption of Resolution 2009-01-03- A Resolution authorizing Mayor Stewart to execute a contract with BellSouth Communications D/B/.A AT&T for IP service to enable video service to the citizens.

Jay Minus stated that the contract up for approval is for Five (5) years. He stated that the Council could change that to any period they wanted. After discussing the matter, Council agreed to a Ten (10) year contract instead of five (5).

With that change, Councilmember Jackson made a motion to approve the contract with AT&T and authorize the Mayor to execute the same. Councilmember O’Gwynn seconded the motion and it carried.

RESOLUTION 2009-01-03

A RESOLUTION AGREEING TO ENTER INTO A CONTRACT WITH BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T ALABAMA MODIFY EXISTING TELECOMMUNICATIONS NETWORK TO PROVIDE AN INTEGRATED INTERNET PROTOCOL (“IP”).

WHEREAS, the City of Satsuma has been contacted by BellSouth d/b/a AT&T Alabama to enter into an agreement to modify the existing telecommunications network to provide an integrated Internet Protocol (“IP”) broadband platform for voice data and video services, and;

WHEREAS, the Council has determined that this service will benefit the citizens of the City of Satsuma and;

WHEREAS, the City agrees to allow BellSouth Telecommunications, Inc. d/b/a AT&T Alabama the use of the City’s Right of Ways with the understanding that the contractor will abide by Ordinance 440-Establishing Right of Way permits, fees and regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, AS FOLLOWS:

6. **The Council authorizes the Mayor to executes the agreement between the City of Satsuma and BellSouth Telecommunications, Inc. d/b/a AT&T Alabama..**
7. **This Resolution to become effective immediately upon adoption by the City Council.**

APPROVED AND ADOPTED this the _____ day of 2009.

William F. Stewart, III

ATTEST:

Vicki Miller, City Clerk

- 4- Motion to adopt Ordinance 442- An Ordinance amending Ordinance 328 regarding exemption of garbage fees..

Councilmember Williams made a motion to adopt Ordinance 443 amending Ordinance 328 changing the guidelines for allowing for an exemption of garbage fees.
Councilmember Monk seconded the motion and it carried.

ORDINANCE NO.442

TO AMEND ORDINANCE NO. 328 ADOPTED FEBRUARY 27, 1998 CODIFIED IN SEC. 74-44.

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

1. **Section 1 of Ordinance No. 328 shall be amended to read as follows:**
 - (a) **Any household whose sole source of income is Social Security benefits shall be exempt from the payment of the garbage fee required by this article.**
 - (b) **Any household whose total monthly income does not exceed 70% of the federal poverty level shall be exempt from the payment of the garbage fee required by this article. The monthly determination for exceeding the poverty level shall be calculated by dividing the yearly federal poverty level by twelve.**

Each person seeking exemption provided for under subsection (b) must make an application for such exemption in the office of the city clerk, upon forms provided by the city clerk's office where each applicant for exemption shall set out the sworn information required by this section. All such applications must be made between December 1 and December 31 of each year, or within 30 days after

- (c) **becoming eligible for such exemption. No person shall be exempt from the payment of the garbage fee for a period exceeding one year unless such person renews his application for exemption during the period set forth in this section. Any person who qualifies for exemption under this section shall immediately become disqualified for such exemption if his or her monthly income should, for any reason, exceed the amount specified in this section during any month of the year for which such person is exempt. It shall be the duty of such person to make it known to the city clerk the fact that his or her monthly income has exceeded the maximum amount specified in this section.**
- (d) **Any person seeking exemption under subsection (a) of this section shall also present proof of income to the county health officer between December 1 and December 31 of each year, or within 30 days after becoming eligible for such exemption, which includes completing the application _____ available _____ at: <http://www.adph.org/environmental/assets/CertExceptionApp.pdf>.**
- (e) **Any person who knowingly provides false or misleading information in order to obtain an exemption shall be subject to the provisions of Ala. Code §22-27-7 (1975).**

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

ADOPTED this _____ day of _____, 2009.

MAYOR, William F. Stewart, III

Authenticated and Attested:

CITY CLERK

5- Motion to introduce and adopt Ordinance 443- An Ordinance repealing Ordinance 416- Prohibiting the distribution of water and sewer service outside the city limits.

Mayor Stewart stated that the previous Council adopted an ordinance restricting the sell of water outside the city limits as a tool to persuade annexation into the City. He stated that the issue has now changed and there is a private company, which can offer this service to areas that are currently in the county. Developers will not have to annex to get this service. He stated the Water Board has looked into this issue, and agrees to look at the possibility of selling water to LeMoyne Water. To do this the Council needs to

rescind the ordinance that the previous council passed. He stated that by doing this, he does not believe it will affect whether a landowner annexes the property into the City. He stated that the Water Board includes three members of the City, Mayor and two Council members, and they have the best interest of the city at heart.

Councilmember Monk made a motion to introduce Ordinance 443 and put the ordinance up for immediate adoption. Councilmember Williams seconded the motion and on roll call the following answered:

Mayor Stewart	yes
Councilmember Jackson	yes
Councilmember O’Gwynn	yes
Councilmember Monk	yes
Councilmember Williams	yes
Councilmember Black	yes

Mayor Stewart declared that the motion passed unanimously

Councilmember Jackson made a motion to adopt Ordinance 443-Repealing Ordinance 416. Councilmember Black seconded the motion and it carried.

ORDINANCE NO. 443

AN ORDINANCE TO REPEAL ORDINANCE NO. 416.

Ordinance No. 416, an ordinance prohibiting the distribution of water and/or sewer services outside the city limits, was adopted and approved the 2nd day of October 2007.

THIS ORDINANCE IS HEREBY REPEALED.

Mayor, William F. Stewart , III

Authenticated and Attested:

CITY CLERK

Mayor Stewart presented the bills for payment. Councilmember O’Gwynn made a motion to approve the bills as presented. Councilmember Jackson 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 8:50 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