

## MINUTES

November 3, 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 3rd day of November, 2009.

Councilmember O'Gwynn gave the invocation.

Pledge of Allegiance was led by Mayor Stewart.

On roll call the following answered present:

Mayor	William F. Stewart, III
Council Members	Pamela O'Gwynn
	Pratt Monk
	Tom Williams
	Bill Black

Absent: Billy Jackson

Vicki Miller, City Clerk; Jay Minus, City Attorney; James Elmore, Public Works Supervisor, Tom Briand, Building Inspector and Chief 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 beginning at 6:00 P.M. prior to the regular meeting and Mayor Stewart discussed with Council agenda items coming before Council.

Mayor Stewart presented the minutes of the regular meeting on October 20, 2009 for approval. Councilmember Monk made a motion to approve the minutes of October 20, 2009. Councilmember O'Gwynn seconded the motion and it carried.

## VISITORS

### 1. Webelos Scouts-

*Coach Ward presented three Webelos from his scout troop. Mayor Stewart stated that part of their requirements as Webelos is to learn about the government and citizenship. He explained to the three young boys the divisions of government and their duties.*

### 2. Brenda Stolee- Petition- Dale Drive

*Ms. Stolee presented council with a petition requesting that the city pursue the matter of parole board reconsidering approval of a residence for Michael E. Brook, a registered sex offender, at 5772 Dale Drive and to examine the sexual offender notification laws. Ms. Stolee stated that Mr. Brooks is residing on their street and they were not notified prior to his moving in. She asked if Council could determine why they were not notified. Mayor Stewart expressed the concerns of himself and the Council, however she was asking a procedural question which would be reviewed by the police chief.*

*Mr. Dan Stolee came before council to express the same concerns and ask that council take action by signing the petition. He also reiterated that fact that they should have been notified.*

### 2. Carol Weaver- 5765 Dale Drive.

*Ms. Weaver came before Council to complain about the drainage on Dale Drive. She stated that runoff from Dale Drive is causing her home to sink. Mayor Stewart stated that the council was not prepared to answer the question and needed time to research the matter. Mayor Stewart did stated that Dale Drive is on the Pay-as-you go program and the city has been informed several times that the bids would be let out. The latest report is that the bids will be let in two weeks.*

### 3. Ms. Earline McKinnley

*Ms. McKinnley came before council and stated that upon hearing about the 50<sup>th</sup> celebration, she and Marjorie Windham compiled a list of all leaders since 1959. Mayor and Council thanked Ms. McKinnley for taking the time to complete such a task.*

## MAYOR'S REPORT

### 1. Opening Bids on emergency disaster debris removal, disposal and reduction services.

Mayor Stewart explained that the bids were let out as per the FEMA regulations. He then asked Tom Briand and James Elmore to open the bids. The results were as follows.

Crowder Gulf	\$7.00	per cubic yard
IED, Inc.	\$5.72	per cubic yard
Construction Labor Services	\$9.50	per cubic yard
D& J Enterprises, Inc.	\$5.90	per cubic yard
Lombardo Mgmt Inc.	\$14.09	per cubic yard
Huffman	\$7.94	per cubic yard
Young General Contracting	\$9.45	per cubic yard
Ceres Environmental Service	\$6.98	per cubic yard
Omni Pinnacle, LLC	\$10.33	per cubic yard
T.F.R. Enterprises	\$6.80	per cubic yard
Phillips & Jordan, Inc.	\$7.95	per cubic yard
DRC Emergency	\$7.17	per cubic yard
Tag Grinding Services	\$13.42	per cubic yard
Peavy Construction	\$10.00	per cubic yard
SRS, Inc.	\$5.93	per cubic yard
S.C. Stagner Contracting	\$10.00	per cubic yard

Councilmember Black made a motion to accept the bids and turn over to the committee for tabulation. Councilmember Monk seconded the motion and it carried.

## **REPORTS OF THE COMMITTEES**

### **Parks and Recreation:**

Councilmember made a motion to amend the rental fees for Steele Creek Lodge effective January 1, 2010. Councilmember Monk seconded the motion and it carried.

Councilmember O'Gwynn made a motion to exempt the Satsuma High School Basketball from payment on Steele Creek Lodge for December 3, 2009. Councilmember Monk seconded the motion and it carried.

### **Administration and Finance:**

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

### **Municipal Services:**

Councilmember Monk expressed condolences on behalf of the Mayor and Council to the families of Samuel Simison, Ruth Thomas, Johnny Mitchell (former employee with the city and water board), Norman Stringfellow (former judge for the city), James Elmore for the loss of his father and Jody and Ronnie Calhoun for the loss of their mother.

Councilmember Monk made a request for Jay Minus to create an ordinance for a three-way stop sign at Pine and 5<sup>th</sup>.

**Public Safety:**

Councilmember Williams gave the October report from the fire and police departments: Fire department made 59 calls of which 3 were fire and 56 rescues; Police Department had 1928 assignments with 229 cases.

Councilmember Williams reported that the city is planning a joint Veterans Day celebration with the FBLA class of Satsuma High School. The event will be held at the Satsuma Annex gym at 9:30 on November 10. He stated that the guest speaker will be John Tyson, Sr.

Councilmember Williams reported that the police department is requesting to change from light bars to internal lights on the two (2) new vehicles. This will be a cost savings of approximately \$1000 per car.

**Public Works**

Councilmember Black reported that the 3-way stop sign at Thomas/Old Highway 43 has been installed. He reported that the chipper truck should be arriving at the end of the month.

**AGENDA***1. Resolution 2009-11-01- A resolution to enter into a loan with Regions Bank.*

Councilmember Williams made a motion to suspend the rules and put Resolution 2009-11-01 up for immediate adoption. Councilmember Monk seconded the motion and on roll call the following answered:

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

Mayor Stewart declared that the motion passed unanimously.

Councilmember Williams made a motion to adopt Resolution 2009-11-01. Councilmember Monk seconded the motion and it carried.

**GENERAL  
CERTIFICATE  
OF THE CITY OF SATSUMA, ALABAMA**

The undersigned duly elected, qualified and acting Mayor and City Clerk/Treasurer of the City of Satsuma, Alabama (the "Municipality") hereby certify, on and as of this 9<sup>th</sup> day of November, 2009, as follows:

**A. GENERAL CERTIFICATE**

1. The names of the officers and the members of the City Council of the Municipality, the governing body of the Municipality (the "Council"), who are serving current terms are as follows:

Name and Office

William F. Stewart III  
Mayor

Billy Jackson  
Councilmember Place 1

Pamela B. O'Gwynn  
Councilmember Place 2

Pratt Monk  
Councilmember Place 3

Thomas Williams  
Councilmember Place 4

William Black  
Councilmember Place 5

2. Each of the foregoing officers and members of the Council has duly filed his or her oath of office and each of them legally required to give bond or other undertaking has filed such bond or undertaking in form and amount and at the time required by law and has otherwise duly qualified and each is the acting officer holding the office stated immediately following his or her name for the period above indicated.

3. *Regular meetings of the Council are held on the first and third Tuesdays in each month in the Municipality, at 7:00 o'clock P.M. pursuant to Sections 11-43-49 and 11-43-50 of the CODE OF ALABAMA 1975, and as fixed by order of the Council and publicly announced by it.*

4. The population of the Municipality according to the 2000 Federal Census (effective as of January 1, 2003) was 5,687.

5. *The Municipality is now and has been for more than fifty years a municipal corporation duly organized and existing and operating under the laws of Alabama. No proceedings for the dissolution of the Municipality have ever been taken.*

6. *The seal affixed hereto is the officially adopted corporate seal of the Municipality and the undersigned clerk is the official custodian thereof and is duly authorized to affix the same to bonds, warrants, contracts, certificates and other obligations and documents of the Municipality and to certify copies of the minutes, proceedings and records of the Municipality and the Council.*

7. (a) At a regular meeting held on November 3, 2009, the Council adopted Resolution No. **2009-11-01** (the "Note Resolution") authorizing the issuance of a \$500,000 principal amount General Obligation Note, Series FY 2010, of even date (the "Note").

(b) A true, correct and complete copy of the Note Resolution is attached hereto as Exhibit A.

(c) The minutes and records of the Municipality for the meeting of the Council on November 3, 2009, show that: all of the members of the Council were present for the entire meeting; and all members of the Council voted in favor of the adoption of the Note Resolution.

(d) The Note Resolution has not been repealed, amended, revoked or changed and is still in full force and effect.

(e) Capitalized terms not otherwise defined herein are used as defined in the Note Resolution.

8. The undersigned Mayor has manually executed the Note and the undersigned Clerk has manually attested the Note. The undersigned Clerk has manually affixed the official corporate seal of the Municipality to the Note. The Note is in the form provided therefor in the Note Resolution and has been executed as provided therein. No obligation of the Municipality other than the Note has been issued pursuant to the Note Resolution.

9. On the date of execution of the Note, on the date of adoption of the Note Resolution, and on this date, we were and now are the duly elected or appointed, qualified and acting officers of the Municipality indicated by our signatures thereon and hereon.

10. We have no knowledge or information of any agreement, representation, condition, understanding or stipulation, whether oral or written or expressed or implied, respecting the authorization of the Note or the terms of the sale thereof, or the disposition or other dealing with the proceeds of the Note, other than as set forth in the Note Resolution, the closing papers of which this certificate forms a part, and in the other documents which have been furnished to Maynard, Cooper & Gale, P.C., Birmingham, Alabama, for their examination preliminary to their approval of the legality of the Note. None of the proceedings, records or representations which have been certified to the purchaser to whom the Note is delivered or to bond counsel have been repealed, amended or changed, and there has been no change in the facts affecting the Note.

11. There is no litigation of any nature pending or threatened in any court restraining, enjoining or in any manner questioning the validity or legality of any of the following: the corporate existence of the Municipality; the territorial boundaries of the Municipality; the election or title of any of the aforesaid persons as officers of the Municipality; the Note; the Note Resolution or any term or provision thereof; the purposes for which the Note is issued; the application of the proceeds of the sale of the Note; the constitutionality of any statute or the validity of any proceedings relative to the Note; the taxing power of the Municipality to pay the Note; or any other matter referred to in this certificate.

12. On the date of this certificate, the Note was delivered to Regions Bank as the purchaser thereof identified in the Note Resolution.

13. The findings, determinations, representations and warranties on the part of the Municipality set forth in the Note Resolution are true and correct in all respects on the date hereof.

14. The execution and delivery of the Note, the adoption of the Note Resolution, and the performance and observance of the terms of the Note Resolution, do not and will not conflict with, or constitute on the part of the Municipality a breach of or default under, any agreement, indenture, mortgage, contract, lease, regulation, court order, or consent decree to which the Municipality is a party or is subject.

**15. All indebtedness of the Municipality (including bonds, warrants, notes, leases, installment purchase agreements, accrued compensated absences, and other contracts for the payment of money) is set forth as follows:**

<u>Designation</u>	<u>Date Incurred</u>	<u>Principal Outstanding</u>	<u>Sinking Fund</u>
Regions Bank	2004A	\$1,435,000.00	
Regions Bank	2004B	\$5,285,000.00*	
AmFund	2009	\$4,043,333.33*	
Accrued Compensation	2008	188,143.35**	

\*Note 2004B with Regions and 3.2M of AmFund bonds are water and sewer improvements. There are agreements with Water and Sewer Board for repayment of these amounts.

\*\* Based on 2008FY audit

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official corporate seal of the Municipality on and as of the date and year first above written.

/s/ William F. Stewart, III  
Mayor

/s/ Vicki Miller  
City Clerk/Treasurer

*2. Resolution 2009-11-02 a resolution to purchase a F550 truck for public works-*

Councilmember Williams made a motion to adopt Resolution 2009-11-02.  
Councilmember O’Gwynn seconded the motion and it carried.

**RESOLUTION 2009-11-02**

**A RESOLUTION TO PURCHASE ONE 2010 FORD F-550 TRUCK FROM BEN ATKINSON MOTORS, INC. STATE CONTRACT #4009323 FOR THE PUBLIC WORKS DEPARTMENT.**

**WHEREAS, the City has a need for one (1) truck to replace the existing truck currently used with the chipper which is deemed too costly to repair, and**

**WHEREAS, Ben Atkinson Motors, Inc. is authorized to sell trucks under the state contract #4009323; and**

**WHEREAS, a proposal for the vehicle has been received in the amount of \$36,664.00 and the city recommends accepting the proposal provided the City can obtain acceptable short term financing over three (3) years to purchase the automobiles.**

**WHEREAS, the committee has reviewed the proposal and recommends acceptance of the proposal from Ben Atkinson Motors, Inc.**

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

1. **The City agrees to purchase the F-550 Truck per State Bid T193A for a total sum of \$36,664.00**
2. **The City agrees to finance the vehicle through Regions Bank for a period of three years.**
3. **This Resolution to become effective immediately upon adoption by the City Council.**

**APPROVED AND ADOPTED this the 3<sup>rd</sup> day of November, 2009.**

/s/ William F. Stewart, III  
William F. Stewart, III

**ATTEST:**

/s/ Vicki Miller  
Vicki Miller, City Clerk

*3. Ordinance 460- An ordinance amending Steele Creek Lodge and Rules.*

Councilmember O’Gwynn made a motion to introduce Ordinance 460. Councilmember Williams 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 7:50 P.M.

_____	_____absent_____
Mayor William F. Stewart III	Councilmember Billy Jackson
_____	_____
Councilmember Pam O’Gwynn	Councilmember Pratt Monk
_____	_____
Councilmember Tom Williams	Councilmember Bill Black

ATTEST: \_\_\_\_\_  
City Clerk