

MINUTES

May 4, 2010
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. on the 4th of May 2010.

Councilmember Jackson gave the invocation.

Councilmember Black led the Pledge of Allegiance.

On roll call the following answered present:

Mayor	William F. Stewart, III
Council Members	Billy Jackson
	Pratt Monk
	Tom Williams
	Bill Black

Absent: Pamela O'Gwynn

Jay Minus, City Attorney; Vicki Miller, City Clerk; Tom Briand, Building Inspector; James Elmore, Public Works Supervisor. 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. Bud McCrory, Director, Satsuma Water and Sewer gave a presentation to the Mayor and Council on municipal bonds. Mayor Stewart discussed with Council agenda items coming before Council.

Mayor Stewart presented the minutes of the regular meeting on April 20, 2010 for approval. Councilmember Monk made a motion to approve the minutes as presented. Councilmember Williams seconded the motion and it carried.

Mayor Stewart presented the minutes of the budget workshop on April 20, 2010 for approval. Councilmember Monk made a motion to approve the minutes as presented. Councilmember Williams seconded the motion and it carried.

VISITORS

1. Recognition of Thomas McDuffie, Fire Fighter.

Councilmember Williams reported that Thomas McDuffie graduated Fire Fighter school on April 30, 2010. He stated that Thomas completed EMT, hazardous material and Fire Fighter I and II certification. Councilmember Williams asked Thomas McDuffie and Chief Miller to come before Council. Chief Miller spoke on how challenging the school was and how proud he was of Thomas graduating in the top of his class. Thomas thanked the Council for the opportunity and stated that he is ready to serve the citizens of Satsuma. Chief Miller introduced the other fire fighters that were present.

Charles Moye introduced Jonas Bostrom as a student from Sweden that is in fire fighter training as BASF where Mr. Moye is employed.

Councilmember Williams also recognized Officer Jonathan Forister as being present.

2. Jessica Wood- presentation of flag

Ms. Wood came before Council to present Mayor Stewart with a flag that was sent from her father, Staff Sgt. Joseph Motes. She stated that when her father came home, the city put flags up in his honor and this was his way of saying thank you. Ms. Wood stated that the flag was flown during the war in Baghdad. Mayor Stewart stated that it was an honor to accept the flag and said that he would place the flag in city hall.

3. Jeff Peacock- candidate for State Senator District 22

Mr. Peacock came before Council to introduce himself as a candidate for State Senator for District 22. He gave a brief statement on his platform and thanked the council for the time.

4. Tony Cook- request for permission to hold protest.

Mr. Cook came before Council to request permission to hold a peaceful protest in the city. He stated that he would like to protest the working and housing of illegal immigrants. Mayor Stewart questioned if he had detail of the time and place. Mr. Cook stated that he did not at this time. Mayor Stewart stated that it is his right to assemble; however, he suggested that Mr. Cook refine what he wanted to do and come back to Council with his request.

MAYOR'S REPORT

Mayor Stewart reminded everyone of the National Day of Prayer being sponsored by First Baptist Church of Satsuma on Thursday at Baldwin Square at 12:00 noon.

He also stated that the church will have the annual Horse Whisperer event on May 16 at 6:00 p.m.

REPORTS OF THE COMMITTEES

Parks and Recreation:

Councilmember Jackson reported that the Lady Gators had won the area play off game and will be attending the regionals in Gulf Shores.

Administration and Finance:

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

Councilmember Williams stated that there was an additional bill that was not included in the list. He stated there was a bill presented for the bridge dedication to Norman John McConaghy for \$540.00 for all the food and entertainment. He then made a motion to pay the bill. Councilmember Pratt seconded the motion and it carried.

Municipal Services:

Councilmember Monk expressed condolences on behalf of the Mayor and Council to the families of Dot Brannon, a long time resident of Satsuma and a member of the Planning Board for 18 years, Gladys Painter, another long time resident, Lynn Cannell and Elaine Williams.

Councilmember Monk reported that he received a request for discontinuance of garbage for 6050 Granada due to the house being vacant. He then made a motion to approve the discontinuance request. Councilmember Williams seconded the motion, Councilmember Jackson abstain. The motion carried.

Public Safety:

Councilmember Williams made a motion to approve sending two officers, Corporal Dix and Officer Champion, to Fire Arms Recertification School in Stapleton on May 20th and 21st at a cost of \$30.00 each. Councilmember Jackson seconded the motion and it carried.

Councilmember Williams reported the Fire Department made 52 calls of which 11 were fire with a response time of 4.5 minutes and the Police Department had 1572 assignments with 169 becoming cases.

Councilmember Williams reported that the Fire Department will be participating in the Annual Mobile County Association of Volunteer Fire Departments competition in Creola. The competition includes air pack relay, hose deployment and obstacle course. The competition will be held on May 15 and is an all day event.

Councilmember Williams reported that Chief Benefield attended a meeting with Mobile County EMA and the Governor's Task Force regarding the oil spill. From the meeting, Chief Benefield was told that there will be a form to complete for anyone involved in the clean up and the expenses will be reimbursed.

Public Works:

Councilmember Black reported that there is a dead tree in Baldwin Square which is presenting hazard. He stated that James Elmore received three quotes to have the tree removed; 1) Lunn's Outdoor Tree Service for \$1095.00, 2) Hamco for \$1460.00 and 3) Fred Reed for \$2000. Councilmember Black then made a motion to accept the proposal from Lunn's Outdoor Tree Service for \$1095.00. Councilmember Williams seconded the motion and it carried.

Councilmember Black suggested that the city look at purchasing a bucket truck so that the city could handle cutting down trees. Mayor Stewart agreed and asked Councilmember Black to look in the cost of a truck and review what the city has spent on tree cutting and see if the purchase would be justifiable.

Councilmember Jackson recommended that the city give Councilmember Black and opportunity to quote on tree cutting in the future since that was his line of work.

Councilmember Black reported that James Elmore sold scrap metal and made \$677.90 which was turned over to the clerk and deposited into the general fund.

Councilmember Black reported that at the last meeting, Council approved purchasing a finishing mower with a stipulation that James Elmore check with the local business to see what they could provide. He stated that Mr. Elmore did check and there was a cost savings of \$450.00. The mower was purchased for \$1750.00.

AGENDA

1. Ordinance 468- Amending Ordinance 249 to allow for a four-way stop sign at Plateau Avenue and Fifth Street

ORDINANCE NO. 468

An Ordinance to amend Ordinance #249

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

Section 32 : Vehicular traffic using Fifth Street in the City of Satsuma, Alabama, will come to a stop before entering or crossing the intersection of said Plateau Avenue. Vehicular traffic traveling in an easterly and westerly direction on Plateau Avenue will come to a stop before entering or crossing Fifth Street intersection. This intersection is hereby declared to be a four-way stop.

This ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED THIS 4TH DAY OF MAY, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

Councilmember Jackson made a motion to adopt Ordinance 468. Councilmember Monk seconded the motion and it carried.

2. Ordinance 469- Amending Ordinance 249 to allow for a three-way stop sign at Fifth Street and Pine Avenue.

ORDINANCE NO. 469

An Ordinance to amend Ordinance #249

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

Section 31 : Vehicular traffic using Pine Avenue in the City of Satsuma, Alabama, will come to a stop before entering or crossing the intersection of said Fifth Street. Vehicular traffic traveling in a southerly and northerly direction on Fifth Street will come to a stop

before entering or crossing the Pine Avenue intersection. This intersection is hereby declared to be a three-way stop.

This ordinance shall be in full force and effect upon its adoption and publication as provided by law.

ADOPTED THIS 4TH DAY OF MAY, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

Councilmember Jackson made a motion to adopt Ordinance 469. Councilmember Monk seconded the motion and it carried.

3. Ordinance 470- Amending and updating the building codes to adopt the International Commercial, Residential, Plumbing, Mechanical, Electrical and Fuel Code of 2006.

ORDINANCE NO. 470

AN ORDINANCE TO AMEND AND UPDATE CODES USED IN BUILDING IN THE CITY OF SATSUMA

WHEREAS, certain of the City of Satsuma’s Technical Codes and Fire Codes have not been recently updated;

WHEREAS, new editions of various technical and fire codes have been published and released;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, as follows:

SECTION I. Satsuma Code Sections 14 and 34 are amended as follows:

SECTION II. **Amendments to Article II. Technical Codes. Sec. 14-32:**

Sec. 14-32. Commercial building code adopted.

- (a) The International Existing Building Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the building code of the city.
- (b) The fee schedule shall be set by the city council from time to time.
- (c) The following will be required before a permit will be issued:
 - (1) A copy of a state general contractors card must be on file with the city.
 - (2) A permit and license bond in the amount of \$5,000.00, payable to the city.

SECTION III. **Amendments to Article II. Technical Codes. Sec. 14-33:**

Sec. 14-33 Residential building code adopted.

- (a) The International Residential Building Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the residential building code of the city.
- (b) The fee schedule shall be set by the city council from time to time.
- (c) The following will be required before a permit will be issued:
 - (1) A copy of a state homebuilders license must be on file with the city.
 - (2) A permit and license bond in the amount of \$5,000.00, payable to the city.
 - (3) A current city business license.

SECTION IV. Amendments to Article II. Technical Codes. Sec. 14-34:

Sec. 14-34. Plumbing code adopted.

- (a) The International Plumbing Building Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the plumbing code of the city.
- (b) The fee schedule shall be set by the city council from time to time.
- (c) The following will be required before a permit will be issued:
 - (1) A copy of a state- certified plumber's card must be on file with the city.
 - (2) A permit and license bond in the amount of \$5,000.00, payable to the city.
 - (3) A current city business license.

SECTION V. Amendments to Article II. Technical Codes. Sec. 14-35:

Sec. 14-35 Mechanical code adopted.

- (a) The International Mechanical Building Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the mechanical code of the city.
- (b) The fee schedule shall be set by the city council from time to time.
- (c) The following will be required before a permit will be issued:
 - (1) A copy of a state-certified heating and air conditioning certification must be on file with the city.
 - (2) A permit and license bond in the amount of \$5,000.00, payable to the city.
 - (3) A current city business license.

SECTION VI. Amendments to Article II. Technical Codes. Sec. 14-36:

Sec. 14-36 Electrical code adopted.

- (a) The National Electrical Code, 2005 edition, and its appendices along with the amendments to such code in this article is adopted as the electrical code of the city.
- (b) The fee schedule shall be set by the city council from time to time.
- (c) The following will be required before a permit will be issued:
 - (1) A copy of a state-certified master's electrical certification must be on file with the city.
 - (2) A permit and license bond in the amount of \$5,000.00, payable to the city.
 - (3) A current city business license.

SECTION VII. Amendments to Article II. Technical Codes. Sec. 14-37:

Sec. 14-37 Housing code adopted.

- (a) The International Existing Building Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the standard housing code of the city.

SECTION VIII. Amendments to Article II. Technical Codes. Sec. 14-38:

Sec. 14-38 Fuel gas code adopted.

(a) The International Fuel Gas Code, 2006 edition, and its appendices along with the amendments to such code in this article is adopted as the fuel gas code of the city.

SECTION IX. Amendment to Article I. Fire Prevention and Protection Sec. 34-1:

Sec. 34-1 Adoption of fire code.

(a) The International Fire Code, 2006 edition, along with the appendices, fee schedules, and the amendments to such code in this article is adopted as the fire code of the city.

SECTION X. Any Ordinance or Subsection inconsistent with any of the above amendments are hereby repealed.

SECTION XI. This Ordinance shall become effective immediately following its adoption and publication as required by law.

ADOPTED this _____ day of _____, 2010.

MAYOR

Authenticated and Attested:

CITY CLERK

Councilmember Williams made a motion to adopt Ordinance 470. Councilmember Jackson seconded the motion and it carried.

4. Ordinance 472- Amend zoning ordinance to regulate Adult Entertainment Enterprises.

ORDINANCE NO. 472

**AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 303
TO REGULATE ADULT ENTERTAINMENT ENTERPRISES**

WHEREAS, the City of Satsuma Zoning Ordinance does not expressly mention or regulate Adult Entertainment Enterprises;

WHEREAS, other municipalities have experienced harmful and undesirable secondary effects from Adult Entertainment Enterprises, and the City of Satsuma desires to regulate Adult Entertainment Enterprises in order to prevent crime, protect Satsuma’s retail trade, maintain property values and protect and preserve the quality of neighborhoods, commercial districts and urban life;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, as follows:

SECTION I. Incorporation of WHEREAS clauses. The “WHEREAS” clauses set forth above are expressly adopted and incorporated into this Ordinance.

SECTION II. Amendments to Zoning Ordinance:

(A) ARTICLE IV, "TABLE OF PERMITTED USES AND CONDITIONS", is hereby amended to include the category of "Adult Entertainment Enterprise" as follows:

Adult Entertainment Enterprise, as defined in Section 6.18(a).						R1 *		
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(B) ARTICLE VI, "SPECIAL PROVISIONS" is hereby amended to include a new section as follows:

"6.18 ADULT ENTERTAINMENT ENTERPRISE:

(a) An Adult Entertainment Enterprise is defined as follows: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical area; a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description or specified sexual activities or specified anatomical areas for observation by patrons; an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons; any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical area; an enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein; any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas; an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing the materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein; any building, premises, structure or other facility under common ownership or control which provides services involving specified sexual activities or display of specified anatomical area.

(b) An Adult Entertainment Enterprise is limited to Business District B-2, and shall not be located within 1,000 feet of any church, school, child care facility, park or Residential District (R-1, R-2, R-3, R-4), and shall not be located within 2,000 feet of any other Adult Entertainment Enterprise. An application for opening a business falling within the definition of an Adult Entertainment Enterprise, as well as a site plan, must be submitted for review by the Planning Commission in order for the Planning Commission to evaluate whether the requirements of the City of Satsuma zoning and subdivision regulations have been followed.”

SECTION III. This Ordinance shall become effective immediately following its adoption and publication as required by law.

ADOPTED this _____ day of _____, 2010.

MAYOR

Authenticated and Attested:

CITY CLERK

Councilmember Williams made a motion to adopt Ordinance 472. Councilmember Monk seconded the motion and it carried.

With no further business to discuss, Councilmember Monk made a motion to adjourn the meeting. Councilmember Black seconded the motion. The meeting adjourned at 7:55 P.M.

Mayor William F. Stewart III

Councilmember Billy Jackson

absent

Councilmember Pam O’Gwynn

Councilmember Pratt Monk

Councilmember Tom Williams

Councilmember Bill Black

ATTEST: _____
City Clerk