

MINUTES

August 17, 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 17th day of August, 2010.

Councilmember O’Gwynn gave the invocation.

Councilmember Jackson led the Pledge of Allegiance.

On roll call the following answered present:

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

Also present were Jay Minus, City Attorney; Vicki Miller, City Clerk; Tom Briand, Building Inspector; and James Elmore, Public Works Supervisor. Mayor Stewart stated a quorum was present and opened the meeting.

Council met in a pre-council meeting 6:00 P.M. and went into an executive session for 45 minutes to discuss a pending lawsuit. Mayor Stewart briefly discussed with Council agenda items coming before Council.

Mayor Stewart presented the minutes of the regular meeting on August 3, 2010 for approval. Councilmember O’Gwynn made a motion to approve the minutes as presented. Councilmember Monk seconded the motion and it carried.

VISITORS

1. Jack Presnall- requesting an additional name be added to the Veterans Memorial

Mr. Presnall came before Council and reported that recently a local serviceman, Air Force Staff Sgt. David C. Smith, lost his life in Afghanistan. The news release showed that he graduated from Satsuma High School even though his home town was listed as Eight Mile. Mr. Presnall stated that under the circumstances, he believes that David Smith is entitled to have his name placed on the monument. He asked that Council approve adding the name and expending approximately \$500.00 for the costs to have the name added. Jay Minus stated that he would like to check and see if the city could pay to have the name added. With no further discussion, Councilmember Williams made a motion to approve placing the name of the fallen soldier on the monument at a cost of approximately \$500.00 contingent upon the attorney's legal decision. Councilmember Monk seconded the motion and it carried.

2. Norman Pierce came before Council to complain about the excessive bill he received for being transported to the hospital in a county ambulance. He stated that on November 10, he fell and an ambulance was called for transport to the hospital. He stated that he received a bill for \$699.60 and his insurance only paid \$134. He asked the council if they thought it was a fair charge. Jay Minus stated that based on his knowledge the charge was not out of line. Mayor Stewart stated that the city does not have anything to do with the charges.

3. James Cauley of 355 Twinbranch Dr. came before Council to express concerns of speeders on Twinbranch Drive and their failure to drivers stopping at the stop signs. Councilmember Williams requested that Mr. Cauley give him a list of specific intersections where there is a problem and he would get the list to the police chief.

4. Jerry Davis, President of the American Society of Civil Engineers, came before Council to give a personal invitation to their annual shrimp boil at Steele Creek. He stated that the guest speaker will be Congressman Jo Bonner. He stated that the purpose of their organization is to promote engineering career paths.

MAYOR'S REPORT

1. Mayor Stewart stated that Council was given a draft of the FY2011 holiday and meeting schedule for their review.
2. Mayor Stewart reported that Ms. Henderson, a second grade teacher at Robert E. Lee, has scheduled to bring her classes for a tour of city hall and other municipal buildings on

September 15, 16 and 17 at 10:30. He asked Council to check their schedules to see if they could be available for the tours.

Mayor Stewart reported that Gee Gee Albreight from AT&T called and stated the Uverse equipment has been installed and will be going green in certain areas. The Uverse is a system that will provide customers with TV, Phone and internet services.

REPORTS OF THE COMMITTEES

Parks and Recreation:

Councilmember Jackson reported that he received a request for the city to purchase an ad in the Satsuma Volleyball program. He then made a motion to approve the expenditure of \$250.00 for an ad in the program. 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 commented that she received a complaint about the condition of the sidewalks from Lions Park to Juniper. Councilmember Black stated that it would be he look into the matter.

Municipal Services:

Councilmember Monk made a motion to discontinue garbage at 5574 Magnolia Avenue based on a request from the property owners that the property is being renovated and they have a dumpster. Councilmember Williams seconded the motion and it carried.

Public Safety:

Councilmember Williams reported that Fred Freeman, a recently hired police officer, has tendered his resignation due to health problems. He read the resignation and then made a motion to accept the resignation in good standing. Councilmember Monk seconded the motion and it carried.

Councilmember Williams reported that Officer Byrd recently made three meth related felony arrest. He stated that he has received a request from Chief Benefield to send two officers to a Meth Summit. He stated that the seminar is being sponsored by the Alabama District Attorney's Association and is free to the attendees. The only cost will be transportation to Birmingham. With no further discussion, Councilmember Williams made a motion to approve Cpl. Sellers and Cpl. Forister to attend a Meth Summit in Birmingham, September 13-15. Councilmember O'Gwynn seconded the motion.

Councilmember Williams made a motion to approve the appointment of Heath Jones and Brandon Patton as Auxiliary Police Officers. Councilmember Monk seconded the motion and it carried.

Councilmember Williams reported that he attended the Alabama Municipal Insurance Workers Compensation Loss Control seminar in Brewton. He stated that several topics were discussed, however one in particular he would like for the city to look into. He stated that it is a new program, called TULIP. He stated that the program is used to sell special events liability policies which could be used for persons renting Steele Creek Lodge and any other special events.

Mayor Stewart asked Councilmember Williams to get more information and get with Jay Minus.

Councilmember Williams reported that the police department is looking into getting retired police officers to come to work part time for collecting outstanding warrants.

Councilmember Williams stated that there is a seminar in Birmingham on September 23 sponsored by the Alabama Community on Excellence that will deal with economic development. He stated that the cost is \$125.00 and asked if anyone was interested in attending. Mayor Stewart stated that it might be a good seminar for a planning board member to attend.

Councilmember Williams reported on the fire/burglar alarm systems stating that two final proposals have been given to the city. After meeting with both parties, ADS submitted their proposal for \$898.00 and Alarm Systems, LLC in the amount of \$915.00. After discussing the matter, Mayor Stewart suggested that Council give Councilmember Williams the authority to negotiate with the security system company that will meet all the needs and for the contract not to exceed \$1000.00. Councilmember Jackson made a motion to allow for Councilmember Williams to negotiate for a price not to exceed \$1000.00 with the company that will meet all the needs. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that he has had numerous requests for the city to establish a Lions Club. He stated that there will be a meeting August 26 at the Satsuma Library at 6:00 for any interested parties.

Councilmember Williams stated that there was a book signing at Satsuma Library for Dr. J. Michael Butler. He stated that Dr. Butler has written a book in collaboration with Reverend H. K. Matthews, a civil rights activist. He stated that Reverend Matthews is a resident of Brewton, Alabama and while he was attending the seminar today, they called Reverend Matthews to come and he was able to meet him and have his book signed. He stated that it was an honor to meet someone who had struggled through the civil rights movements and made a difference.

Public Works:

Councilmember Black reported the city has an equipment operator II position open and James Elmore has recommended that Charles Ziebach be promoted to that position. With no comments or questions, Councilmember Black made a motion to promote Charles Ziebach to the position of Equipment Operator I. Councilmember Monk seconded the motion and it carried.

Councilmember Black reported that the pipe has been ordered for the Margiana drainage project and the culvert has been cleaned out.

RESOLUTIONS, ORDINANCE, ORDERS

1. *Resolution 2010-08-01- A Resolution authorizing off-duty employment for city police officers.*

Councilmember Williams made a motion to adopt Resolution 2010-08-01. Councilmember Jackson seconded the motion and it carried.

RESOLUTION NO. 2010-08-01

A RESOLUTION AUTHORIZING OFF-DUTY EMPLOYMENT AND USE OF CITY-ISSUED
EQUIPMENT FOR CITY OF SATSUMA POLICE OFFICERS

WHEREAS, the City of Satsuma (the "City") sees fit for its law enforcement officers to be allowed off-duty employment and the use of City issued equipment to work off duty jobs within Mobile County;

NOW, THEREFORE, be it resolved by the City Council of the City of Satsuma as follows:

1. **The police officers of the City of Satsuma may accept off-duty employment subject to the restrictions and guidelines set out herein and in Satsuma Police Department Procedures 3.501 and 3.501A.**
2. **Any police officer seeking to accept outside employment must file with the Chief of Police a written request for approval of outside employment in compliance with 3.501.**
3. **The request shall include the location and nature of the outside employment, the date and hours to be worked, the name of the outside employer, the duties of the outside employment, whether the job is a one-time event or is continuous, whether the job is to be worked in uniform, a list of any public equipment that may be used during the job, and any other information required by the Chief of Police.**
4. **The Chief of Police shall approve or disapprove any outside employment in writing, with stated reasons for disapproval.**
5. **The Chief of Police may place conditions not inconsistent with this policy upon the acceptance of any outside employment.**
6. **Public equipment may be used only as approved by the Chief of Police.**
7. **Each police officer shall make sure that every private, non-governmental person or entity employer of the officer during off-duty hours for security work or work while the officer is in uniform shall have in force at least \$100,000 of liability insurance, which insurance must indemnify for acts the off-duty peace officer takes within the line and scope of the private employment pursuant and subject to Alabama Code Section 6-5-338.**

ADOPTED AND APPROVED by the City of Satsuma, Alabama, this 17th day of August 2010.

/s/ William F. Stewart, III
BY: Mayor
City of Satsuma, Alabama

ATTEST: /s/ Vicki Miller
City Clerk

2. Ordinance 475- An Ordinance prohibiting sexual offenders from loitering near or on the child safety zone.

ORDINANCE NO. 475

AN ORDINANCE PROHIBITING SEX OFFENDERS FROM LOITERING OR RESIDING NEAR OR ON THE CHILD SAFETY ZONES OF THE CITY OF SATSUMA, ALABAMA

WHEREAS, the City of Satsuma, Alabama maintains its parks, libraries, and recreation areas in a manner meant for the peaceful enjoyment of minors and other citizens;

WHEREAS, the City of Satsuma, Alabama’s parks, libraries and recreation areas are public spaces where minor children congregate, and wherein sexual offenders who committed an offense against a minor may attempt to seek victims;

WHEREAS, the City Council of the City of Satsuma, Alabama recognize that sexual offenders who committed an offense against a minor pose a risk of engaging in sex offenses even after being convicted, pleading nolo contendere to a criminal sex offense against a minor regardless of whether adjudication was withheld, released from incarceration, and/or commitment;

WHEREAS, it is in the interest of promoting the general welfare and safety of the citizens of the City of Satsuma, Alabama to reduce opportunities for sexual offenders who committed an offense against a minor to make use of public spaces for criminal intent;

WHEREAS, it is in the best interests of minors and their legal guardians to reduce insofar as possible opportunities for recidivism by sexual offenders who have committed an offense against a minor;

WHEREAS, the protection of minors from sex offenders is of paramount governmental interest;

WHEREAS, the purpose of this ordinance is to lessen the potential for sex offenders inclined towards recidivism to have contact with, and possibly, victimize minors;

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

1. Incorporation. The “WHEREAS” clauses set forth above are expressly adopted and incorporated into this ordinance.

2. Definitions. The following definitions shall apply regarding this ordinance, and shall have the meaning indicated when used in this section:

a. Sex Offender: An individual who is registered in any state or federal agency as a sex offender or whose name is published on any state or federal registered sex offender listing for an offense against a minor, and/or an individual who plead nolo contendere to a criminal sex offense against a minor regardless of whether adjudication was withheld.

b. Child Safety Zone: any area located within five hundred (500) feet from the nearest property line of a child care center, public or private school (grades K through 12), park, public library, commercial establishment that provides a child’s playground either in or adjacent to the establishment, a location that holds classes or group activities for children, any school bus stop, and/or any other business or facility having a principal purpose of caring for, educating, or entertaining minors.

- c. Loiter: remaining idle in essentially one location for no apparent lawful purpose or without a lawful purpose for being present, for the purpose of watching, gazing, or looking upon a minor in a clandestine manner or with unlawful intent, or under circumstances that warrant alarm for the safety of minors in the child safety zone and/or five hundred (500) feet from a child safety zone.
 - d. Minor: anyone who has not reached the age of majority as defined in Alabama Code Section 26-1-1.
 - e. Residency: maintaining a legal right to occupy or residing in, or has already as of that date occupied or resided in, a single-family or multi-family dwelling or a hotel, for more than thirty (30) consecutive days.
3. Sex Offender Prohibitions.
 - a. No registered sex offender who committed an offense against a minor shall loiter on within five hundred (500) feet of a child safety zone.
 - b. It is an offense for a sex offender to establish a residency two-thousand (2000) feet from any City of Satsuma child safety zone.
 - c. The aforementioned distance restrictions shall be determined by measuring from the outer boundary of the property on which the sex offender resides and/or loiters to the outer boundary of the child safety zone at their closest points.
 - d. A sex offender shall not on either October 30th and 31st, or any other date set by the City of Satsuma for trick-or-treaters, between the hours of 4:00 p.m. and 12:00 p.m., leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the premises.
4. Penalties. Any registered sexual offenders who committed an offense against a minor found in violation of this ordinance shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail. Each loitering event, and/or days residing within two-thousand (2000) feet of a child safety zone, shall constitute a separate offense under this ordinance.
5. Notice.
 - a. The City of Satsuma shall be responsible for posting this regulation at the main entrance of each child safety zone within thirty (30) days of the passage of this ordinance.
 - b. A map depicting child safety zones, and the related prohibited zones for loitering and residency by sex offenders, shall be created by the City of Satsuma and maintained by the City of Satsuma Police Department. The City of Satsuma shall review the map annually for changes, and update said map annually.
6. Severability. If the Court shall determine that any word clause, phrase, sentence, paragraph or subsection of this article is unconstitutional as worded, the Court shall first attempt to construe or interpret such unconstitutional provision so as to enable same to be constitutional as so narrowed or construed. If the Court cannot so limit or construe such word or provision narrowly so as to render same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate word, clause, or phrase render its attached major section or provision unconstitutional, but instead shall be severed therefrom entirely, unless such severance renders the remainder wholly meaningless or unconstitutional.
7. Exceptions.
 - a. The prohibition on maintaining a residence within two-thousand (2000) feet from a child safety zone shall not apply to a permanent residence established by the sex offender prior to the enactment of this Ordinance.
 - b. The prohibition on maintaining a residence within two-thousand (2000) feet from a child safety zone shall not apply if a new child safety zone exists within two-thousand (2000) feet after the sexual offender maintains a permanent residence.
 - c. A sex offender, for the purpose of this ordinance, shall not include a person who was incorrectly registered as a sex offender against a minor, or has had the offense for which the sex offender registration was required was reversed on appeal or pardoned.
 - d. The prohibition of maintaining a residence within two-thousand (2000) feet from a child safety zone shall not apply to a sex offender who is currently under the age of majority and resides with a parent or a guardian at a residence within two-thousand (2000) feet from a child safety zone.
 - e. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to becoming classified as a sex offender under this ordinance.
8. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

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

ADOPTED THIS 17th DAY OF August_, 2010.

/s/ Williams F. Stewart, III
Mayor

Authenticated and Attested:

/s/ Vicki Miller
City Clerk

Councilmember O’Gwynn made a motion to adopt Ordinance 475 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 Black seconded the motion. The meeting adjourned at 8:10 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