

## MINUTES

November 17, 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 17th day of November, 2009.

Mayor Stewart gave the invocation.

Pledge of Allegiance was led by Pratt Monk.

On roll call the following answered present:

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

Absent: Pamela O'Gwynn  
Bill Black

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. Mayor Stewart said that Councilmember O'Gwynn was out of town on business and Councilmember Black had to go out of town to visit his sick mother. 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 November 3, 2009 for approval. Councilmember Williams made a motion to approve the minutes as presented. Councilmember Monk seconded the motion and it carried.

## VISITORS

### 1. Key Kids-

*Mayor Stewart presented key kids with certificates and city pins.*

Council recesses at 7:10

Council reconvened at 7:18

### **MAYOR'S REPORT**

**No business was discussed**

## **REPORTS OF THE COMMITTEES**

### **Parks and Recreation:**

Councilmember Jackson said that the city was presented a contract for the cleaning service for Steele Creek Lodge. He requested that Jay Minus review the contract and make sure that if the contract is awarded, it will not be in violation of the bid law.

Councilmember Jackson stated that at a previous meeting, council approved having electrical work at Wright Park to get power to the metal building so that it can be used as a concession stand. He said that after the electrician reviewed further, he reported that more work is needed and that an additional temporary power pole is required. With the additional work needed, the price was increased from \$1500 to \$3200. With no further discussion, Councilmember Jackson made a motion to approve the additional expenditure for a total of approximately \$3200. Councilmember Monk seconded the motion and it carried.

### **Administration and Finance:**

Councilmember Jackson 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 family of Jerry Mitchell.

Councilmember Monk reminded everyone of the community Thanksgiving dinner being held at First Baptist Satsuma on Tuesday, November 24 at 6:30.

Councilmember Monk stated that James Elmore has received four quotes for the electrical work at the pump house at Third/Pine. The following gave proposals:

Port City Electrical	\$4350.00
Ace Electrical	\$5696.00
Bowden Electrical	\$6000.00
Canaan Electrical	\$5281.00

After discussing the matter, Councilmember Jackson made a motion to accept the proposal from Port City Electrical for \$4,350.00. Councilmember Williams seconded the motion and it carried.

Councilmember Monk reported that James Elmore has gotten two proposals to have a tree removed at Bayou Avenue West and Orchard. Councilmember Monk stated that Hamco proposed to do the job for \$450 and Fred Reed gave a quote of \$645.00. After discussing the matter, Councilmember Monk made a motion to approve the proposal from Hamco for \$450.00 to cut down the tree, remove debris and grind the stump. Councilmember Jackson seconded the motion and it carried.

### **Public Safety:**

Councilmember Williams reported that Chief Miller has presented the cost to have Fire Fighter Thomas McDuffie attend EMT and Firefighter I/II School beginning January, 2010. He stated that the cost for EMT school is approximately \$2609.00 and will be held from January 11- February 12 in Tuscaloosa, AL. The cost for Firefighter school is \$4105.00 to be held February 22- March 30. Both prices include registration, lodging and meals. Councilmember Williams stated that Mr. McDuffie will be using the chief's vehicle to offset the costs of mileage. With no further discussion, Councilmember Williams made a motion to approve sending Thomas McDuffie to EMT and Firefighter School for an approximate cost of \$ 6,714.00. Councilmember Monk seconded the motion and it carried.

Councilmember Williams reported that Chief Benefield has received some information on a program that the city can use to help with the tracking of sexual offenders called Offender Watch. He then asked David Benefield to explain. Mr. Benefield stated the program is a national program which has a database of all the sex offenders' residences. He said that the Mobile County Sheriff's Department is on line with this program and the city can participate at no cost now. He stated that the company which runs the program will send out notifications to all residents within a certain area once a sex offender moves in. Councilmember Williams stated that since the program is free at this time, he recommends the city take advantage. He then made a motion for the city to participate in the Offender Watch program. Councilmember Jackson seconded the motion and it carried

Mayor Stewart took the time during this discussion to commend Chief Benefield on how he handled the press during the recent sexual offender episode.

Councilmember Williams reported that Fire Chief Miller is interested in beginning a program for shut-ins within the city. The program would involve establishing a data base

of names and numbers and then having someone contact these residents on a daily basis to check on them. He said the program is in the planning stages and will be coordinated with personnel currently working with Senior Citizens.

Councilmember Williams reported that the Lions Club will be building a handicap ramp at 5480 2<sup>nd</sup> Avenue and according the ordinance, the permit fee will be waived.

**AGENDA**

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

Councilmember Williams made a motion a motion to adopt Ordinance 460. Councilmember Jackson seconded the motion and it carried.

**ORDINANCE NO.460**

**TO AMEND ORDINANCE NO. 367, AN ORDINANCE ESTABLISHING RULES, REGULATIONS, AND RATES OFR RENTAL OF THE STEELE CREEK LODGE.**

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

**1. Section II- Rules and Regulations:**

**H. Nothing shall be used in the facility that will deface the property, including but not limited to nails, tacks, brackets, glue, staples or tape. These items will not be allowed on or in the walls, ceiling, floors or any surface. No balloons will be allowed inside the building. Candles must be entirely contained, including flames, in a one-piece container. No rice, birdseed, confetti, glitter or like matter will be allowed inside or outside the facility.**

**2. Section III: Rental Fees**

**See fee schedule as set by City Council**

**Any requests for waived fees must be approved by the City Council. The City of Satsuma its departments, and city-sponsored functions shall be exempt from rental fees.**

**a. Athletic and civic organization affiliated with the city parks and school located in the city will be allowed use of the lodge and the fee waived as long as the event is scheduled Monday-Thursday. Each group or organization will be allowed one (1) event to be waived.**

**b. The City Council may consider waiving the fee for other groups, if determined that the serve will serve a public purpose**

**3. Section IV: Cleaning**

**This section is hereby deleted.**

**4. This Ordinance shall become effective November 17, 2009 after its adoption and publication as required by law.**

**ADOPTED this 17<sup>th</sup> day of November, 2009.**

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

**Authenticated and Attested:**

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

**2. Ordinance 461- Three-way stop sign at Pine Avenue and 5<sup>th</sup> Street-**

Councilmember Jackson made a motion to introduce Ordinance 461.

Councilmember Monk seconded the motion and it carried.

**3. Ordinance 464- an ordinance amending Ordinance 377, Section 82, Article IV- Lodging Tax.**

Mayor Stewart commented that this ordinance is to clarify the collection of fees in the police jurisdiction. He then asked Jay Minus to explain further. Mr. Minus stated that the State Revenue Department has questioned whether the lodging tax and rental tax ordinances passed in 1998 include collection of this tax in the police jurisdiction. He said that the purpose of these two ordinances is to clarify the intent of the city to collect the taxes in the police jurisdiction. Mr. Minus said that the city has been providing services in the police jurisdiction since the inception of the ordinances. Mr. Minus said that since this has not been presented previously, council will need to suspend the rules, introduce and then pass.

With no further discussion, Councilmember Williams made a motion to suspend the rules and put Ordinance 464 up for immediate adoption. Councilmember Monk seconded the motion and on roll call the following answered:

Councilmember Jackson	yes
Councilmember Monk	yes
Councilmember Williams	yes
Mayor Stewart	yes

Mayor Stewart declared the motion passed unanimously.

Councilmember Williams made a motion to adopt Ordinance 464, an ordinance to include the collection of lodging tax in the police jurisdiction. Councilmember Monk seconded the motion and it carried.

**ORDINANCE NO.464**

**AN ORDINANCE TO AMEND SATSUMA CODE SEC. 82-92 AND 82-93**

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

- 1. Article IV Sec. 82-92 subsection (b), as set forth in Ordinance No. 395, regarding the Lodging Tax, shall be amended to read as follows:**

**Sec. 82-92. Levied.**

**(b) The amount of the taxes levied in subsection (a) of this section shall be in addition to the applicable amount of taxes and license fees provided for in any other city ordinance, and the taxes are to be levied on applicable businesses in the city as well as the those businesses located in the city's police jurisdiction. The tax referred to in subsection (a)(1) of this section shall only apply to, and be measured by the charges for, the rental of rooms or lodgings supplied to**

transients, and shall not apply to and be measured by the charges for the rental of rooms or lodgings supplied for a period of 180 continuous days or longer. The tax levied in subsection (a)(2) of this section shall only apply to, or be measured by the charges for the rental of a trailer space, and shall not apply to, or be measured by the charges for rental of trailer space for a period of 180 continuous days or longer.

2. Article IV Sec. 82-93, as set forth in Ordinance No. 309 as Section 3, regarding the Lodging Tax, shall be amended to read as follows:

**Sec. 82-93. Collection.**

The provisions of this article shall be administered and the tax levied shall be collected in accordance with the procedures set forth in Article IV of this chapter, as amended from time to time, which shall be known as the sales tax ordinance for administering and collecting the sales tax ordinance for administering and collecting the sales tax levied in such article. For such purposes, there are incorporated into this article, by reference, the provisions of such article, by reference, the provisions of such article, together with the definitions applicable to such article as set forth in section 82-171, provided that wherever the terms "gross proceeds of sales" and "gross receipts" shall appears, for the purposes of this article, such terms shall be construed to mean the charges subject to tax as set forth in section 82-92; provided further, in the event of the repeal of the sales tax ordinance, such repeal shall not operate to eliminate the tax collection procedures contained in such ordinance to the extent they are incorporated in this article, by reference, unless the ordinance providing for such repeal shall clearly indicate such a result. Additionally, the collection of taxes shall explicitly be collected from those persons engaging in the businesses as set forth in Sec. 82-92 in the city or in the city's police jurisdiction.

3. This Ordinance shall become effective immediately upon its adoption and publication as required by law, and is retroactive from the date of April 15, 2003.

ADOPTED this 17th day of November, 2009.

/s/ William F. Stewart, III  
MAYOR

Authenticated and Attested:

/s/ Vicki L. Miller  
CITY CLERK

***4. Ordinance 465- an ordinance amending Ordinance 377, Section 82, Article V- Personal Property Rental or Lease Tax.***

Mr. Minus stated that this ordinance is the same as the lodging ordinance in that it is just housekeeping to clarify collection in the police jurisdiction.

With no further discussion, Councilmember Jackson made a motion to suspend the rules and put Ordinance 465 up for immediate adoption. Councilmember Monk seconded the motion and on roll call the following answered:

Councilmember Jackson                      yes

Councilmember Monk	yes
Councilmember Williams	yes
Mayor Stewart	yes

Mayor Stewart declared the motion passed unanimously.

Councilmember Jackson made a motion to adopt Ordinance 465, an ordinance to include the collection of rental and lease tax in the police jurisdiction. Councilmember Monk seconded the motion and it carried.

**ORDINANCE NO. 465**

**AN ORDINANCE TO AMEND SATSUMA CODE SEC. 82-132 AND 82-134.**

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

**1. Article V Sec. 82-132 regarding the Personal Property Rental or Lease Tax shall be amended to read as follows:**

**Sec. 82-132. Levied.**

**There is levied and imposed, in addition to all other taxes now imposed by law, a privilege or license tax upon each person engaging or continuing in the city or in the city's police jurisdiction in the business of leasing or renting tangible personal property at the rate of two percent of the gross proceeds derived by the lessor from the lease or rental of tangible personal property, provided that the privilege or license tax on each person engaging or continuing in the city or in the city's police jurisdiction in the business of leasing or renting any automotive vehicle, truck trailer, semitrailer or house trailer shall be at the rate of two percent of the gross proceeds derived by the lessor from the lease or rental of such automotive vehicle, truck trailer, semitrailer or house trailer. The tax levied in this section shall not apply to any leasing or rental, as lessor, by the state or any municipality or county in the state, or any public corporation organized under the laws of the state, including, but not limited to, any corporation organized under the provisions of Code of Ala. 1975, §§ 11-54-80—11-54-101. The privilege or license tax on each person engaging in continuing in the city or in the city's police jurisdiction in the business of the leasing and rental of linens and garments shall be at the rate of two percent of the gross proceeds derived by the lessor from the lease or rental of such linens and garments.**

**2. Article V Sec. 82-134 regarding the Personal Property Rental or Lease Tax shall be amended to read as follows:**

**Sec. 82-134. Collection**

**The provisions of this article shall be administered and the tax levied in section 82-132 shall be collected in accordance with the procedures set forth in Article VI of this chapter, as amended from time to time, which shall be known as the sales tax ordinance for administering and collecting the sales tax levied in such article, and for such purposes, there are incorporated into this section, by reference, the provisions of such article, together with the definitions applicable to such article as set forth in section 82-171, provided that wherever the terms "gross proceeds of sales" and "gross receipts" shall appear, for the purposes of this article, such terms shall be construed to mean gross proceeds as defined in section 82-131. A sale of tangible personal property to any person engaging in the business of**

leasing or renting such tangible property personal property to others in the city or the city's police jurisdiction, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the tax levied in section 82-132 shall be deemed to be a wholesale sale or a sale at wholesale for the purposes of administering the sales tax ordinance. A sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in section 82-132 shall be deemed to be a retail sale or a sale at retail for purposes of administering the sales tax ordinance, regardless of whether such sale is to the person who leased or rented the tangible personal property or to some other person. In the event of the repeal of the sales tax ordinance, such repeal shall not operate to eliminate the tax collection procedures contained in such ordinance to the extent they are incorporated in this article, by reference, unless the ordinance providing for such repeal shall clearly indicate such a result.

3. This Ordinance shall become effective immediately upon its adoption and publication as required by law, and is retroactive from the date of April 15, 2003.

ADOPTED this 17th\_ day of November\_, 2009.

/s/ William F. Stewart, III  
MAYOR

Authenticated and Attested:

/s/ Vicki L. Miller  
CITY CLERK

With no further business to discuss, Councilmember Monk made a motion to adjourn the meeting. Councilmember Williams seconded the motion. The meeting adjourned at 7:40. P.M.

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

/s/ Billy Jackson  
Councilmember Billy Jackson

absent  
Councilmember Pam O'Gwynn

/s/ Pratt Monk  
Councilmember Pratt Monk

/s/ Tom Williams  
Councilmember Tom Williams

absent  
Councilmember Bill Black

ATTEST: /s/ Vicki Miller  
City Clerk