

MINUTES

December 1, 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 1st day of December, 2009.

Councilmember Monk 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	Billy Jackson
	Pamela O’Gwynn
	Pratt Monk
	Tom Williams
	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. 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 17, 2009 for approval. Councilmember Jackson made a motion to approve the minutes as presented. Councilmember O’Gwynn seconded the motion and it carried.

VISITORS

1. James Vining, III- requesting a home based business at 509 Malaga

Mr. Vining came before Council to request a home based massage therapy business. He explained that he has just graduated from massage therapy school and has received his State Board certification. He stated that the business will be monitored by the state and he will be insured. Mr. Vining said that he will only have one client every hour. Councilmember Monk asked Mr. Vining if he has contacted his neighbors. Mr. Vining replied "No". Councilmember Williams asked Mr. Vining if he has considered renting a business location. Mr. Vining replied "yes, however he is trying to keep his prices competitive". Mr. Black asked if he will be selling any products. Mr. Vining replied "Not at this time". Jay Minus stated that with any home based business the concern are traffic and stated that the business has to be incidental to the neighborhood. With no further questions, Mayor Stewart requested that Jay Minus review and get back with Council.

MAYOR'S REPORT

1. Discussion of erosion control needed to complete the drainage project.

Mayor Stewart stated that Chad Jordon will Goodwyn, Mills and Cawood is present to discuss the matter. Mr. Jordan came before Council and explained that there is a 1200' section of the drainage project which needs permanent stabilization to minimize future maintenance. He stated there are remaining funds of \$10,762.64 in the grant to cover the work. He stated that two quotes were received: 1) Wildlife Solutions at \$10,469.00, 2) Hayes Construction at \$15,720.00. Mr. Jordan stated that once the project is complete the city can request a 100% reimbursement. With no further comments, Councilmember Jackson made a motion to accept the quote from Wildlife Solutions for \$10,469.00 to complete the erosion control. Councilmember O'Gwynn seconded the motion and it carried.

REPORTS OF THE COMMITTEES

Parks and Recreation:

Councilmember Jackson said that Jay Minus is still looking at the cleaning contract for Steele Creek Lodge and should have something for the next meeting.

Administration and Finance:

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

Municipal Services:

Councilmember Monk expressed condolences on behalf of the Mayor and Council to the families of Joe Ziegler and Mr. Black in the loss of his mother.

Mr. Monk said that he wanted to thank the Baptist Church for having a Thanksgiving dinner for the city employees.

Public Safety:

Councilmember Williams reported that the annual Christmas parade will be this Saturday at 11:00.

Councilmember Williams reported that at the last meeting, Chief Benefield discussed a new program called "Offender Watch" which tracks the residences of sexual offenders. He stated that by the next Council meeting the program should be up and running.

Councilmember Williams reported that the Fire Department made a total of 51 calls for October with 5 fire calls and the remaining was rescue. There were also 2 mutual aid calls with Creola. The Police Department had 1890 assignments with 221 cases.

Councilmember Williams reported that he has received a request from Chief Benefield to open a promotional corporal position. After discussing the matter, Councilmember Williams made a motion to open a corporal position with the Personnel Board. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that Chief Benefield is requesting to attend the Alabama Chief of Police conference in Montgomery on February 2-5. The total cost is approximately \$835.00. With no discussion, Councilmember Williams made a motion to approve the expenditure for Chief Benefield to attend the Chief's conference as stated above. Councilmember Monk seconded the motion and it carried.

Councilmember Williams stated that he has a request from Chief Benefield to discuss reducing the speed limit on highway 43 between Baldwin Road to Creola City limits from 55 MPH to 45MPH. Chief Benefield explained that in observing this area, it has been noted that 55 mph is an excessive speed for vehicles coming through the intersection at Pennsylvania and Highway 43. Mayor Stewart recommended that David contact ALDOT and set up a meeting with Vince Calmetti to discuss the matter further.

Public Works:

Councilmember Black thanked everyone for their concerns and prayers during the loss of his mother.

Councilmember Black read a letter of accommodation for James Elmore and Tom Briand for their help with a flooding issue on Timberland Drive.

Councilmember Black gave an update on the debris removal contract. He stated that there is still some questions regarding the prices given for individual items to be removed. He said that due to the variance in prices and questions about the reimbursement from

FEMA, he is not comfortable recommending approval. He said that James Elmore and Tom Briand are still in discussions with the State EMA to clarify the matter.

AGENDA

1. Ordinance 461- Three-way stop sign at Pine Avenue and 5th Street-

Councilmember Jackson made a motion to adopt Ordinance 461. Councilmember Monk seconded the motion and it carried.

ORDINANCE NO. 461

AN ORDINANCE TO AMEND ORDINANCE # 249

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

Ordinance # 249 is amended to read as follows:

Section 31. Vehicular traffic using Pine Street in the City of Satsuma, Alabama, will come to a stop before entering or crossing the intersection of said Pine Street and Fifth Street. Vehicular traffic traveling in a southerly or northerly direction on Fifth Street will come to a stop before entering or crossing the intersection of said Pine Street. This intersection is hereby declared to be a three way stop intersection.

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

ADOPTED THIS 1st DAY OF December, 2009.

APPROVED:

/s/ William F. Stewart, III
Mayor

ATTEST:

/s/ Vicki L. Miler
City Clerk

2. Ordinance 466- an ordinance amending Ordinance 377, Section 82, Article IV- Lodging Tax and repealing ordinance 464.

Mayor Stewart requested an explanation from Jay Minus. Mr. Minus stated at the last meeting, Council adopted an ordinance to clarify the collection of lodging and rental tax in the police jurisdiction. He stated that after submitting the ordinance to the state, they were still not satisfied with the wording since the ordinance did not reflect that the fee is 1/2 of the rate in the city limits. He stated that this ordinance now adds the correct wording and has been preapproved by the State. With no further discussion, Councilmember Williams made a motion to suspend the rules and put Ordinance 466 up for immediate

adoption. Councilmember Jackson seconded the motion and on roll call the following answered:

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

Mayor Stewart declared the motion passed unanimously.

Councilmember Williams made a motion to adopt Ordinance 466, an ordinance to include the collection of lodging tax in the police jurisdiction and repeal ordinance 464 Councilmember Jackson seconded the motion and it carried.

ORDINANCE NO.466

AN ORDINANCE TO REPEAL ORDINANCE NO. 464, AND 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. Ordinance No. 464, an ordinance amending the lodging tax was adopted and approved the 17th day of November 2009. THIS ORDINANCE IS HEREBY REPEALED.

2. Article IV Sec. 82-92, as amended by Ordinance No. 395, regarding the Lodging Tax, shall be amended to add subsection (c) and to read in its entirety as follows:

(a) There is levied and imposed, in addition to all other taxes now imposed by law, a privilege or license tax upon every person engaging in the business of:

(1) Renting or furnishing rooms, lodgings or accommodations to transients in any hotel, motel, inn, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. Such tax shall be in an amount equal to six percent of the charge for such rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such rooms, lodgings, or accommodations, provided that charges for property sold or services furnished which are required to be included in the computation of the tax levied by state sales tax statutes shall not be included in computing the tax levied in this subsection; or

(2) Renting or furnishing space for the accommodation of trailers, recreational vehicles or other portable housing units for a consideration. Such tax shall be in the amount equal to six percent of the charge for such trailer space; provided, however, that trailer space for use of washing machines, electric power, garbage collection, water supply and other such charges shall not be included in the measure of such tax, but only the charge for trailer space shall

be included.

- (b) The amount 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. 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.
- (c) The tax referred to in subsections (a) and (b) of this section shall also apply to, and be levied upon, and be measured by the charges for, the rental of rooms or lodgings, which includes the rental of trailers, recreational vehicles or other portable housing units, supplied to transients in the City of Satsuma's police jurisdiction. The tax levied in the police jurisdiction as set forth in this subsection shall be one half the amount taxed to business subject to subsections (a) and (b) within this section that are within the City of Satsuma's city limits.

3. Article IV Sec. 82-93, as set forth in Ordinance No. 309 as Section 3, regarding the Lodging Tax, shall be amended to identify subsection (a), and add subsection (b) to read in its entirety as follows:

Sec. 82-93. Collection in General and in Police Jurisdiction.

(a) The provisions of this article shall be administered and the tax levied shall be collected in accordance with the procedures set forth in Ordinance No. 73, adopted December 4, 1967 (as heretofore and hereafter amended from time to time) known as the "Sales Tax Ordinance" for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this ordinance by reference the provisions of Sections Four through Seven, together with the definitions applicable to said sections contained in Section 1 of the Sales Tax Ordinance; provided that wherever in the said provisions the term "gross proceeds of sales" or "gross receipts" shall appear, the same for the purposes of this ordinance shall be construed to mean the charges subject to tax as set out above; 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 therein to the extent they are incorporated in this article by reference, unless the ordinance providing for such repeal shall clearly indicate such a result.

(b) The amount of tax collected in subsection (a) of this section shall also apply to, and be measured by the charges for, the rental of rooms or lodgings, which includes the rental of trailers, recreational vehicles or other portable housing units, supplied to transients in the City of Satsuma's police jurisdiction. The tax collected in the City of Satsuma's police jurisdiction shall be one half the rate of taxation levied on businesses subject to subsection (a) of this section that are within the City of Satsuma's city limits.

3. This Ordinance shall become effective December 1 ,2009 after its adoption and publication as required by law, and is retroactive from the date of April 15, 2003.

ADOPTED this 1st day of December, 2009.

/s/ William F. Stewart, III
MAYOR

Authenticated and Attested:

/s/ Vicki L. Miller
CITY CLERK

3. Ordinance 467- an ordinance amending Ordinance 377, Section 82, Article V- Personal Property Rental or Lease Tax and repealing ordinance 465.

Mr. Minus stated that this ordinance is the same as the lodging ordinance.

With no further discussion, Councilmember Williams made a motion to suspend the rules and put Ordinance 467 up for immediate adoption. Councilmember Monk seconded the motion and on roll call the following answered:

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

Mayor Stewart declared the motion passed unanimously.

Councilmember Williams made a motion to adopt Ordinance 467, 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. 467

AN ORDINANCE TO REPEAL ORDINANCE NO. 465 AND 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. Ordinance No. 465, an ordinance amending the personal property rental or lease tax was adopted and approved the 17th day of November 2009. THIS ORDINANCE IS HEREBY REPEALED.

2. Article V Sec. 82-132 regarding the Personal Property Rental or Lease Tax shall be amended to identify subsection (a) and add subsection (b) to read in its entirety as follows:

Sec. 82-132. Levied.

- (a) 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 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 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 in the business of the leasing and rental of linens and garments shall be at the rate of two percent (2%) of the gross proceeds derived by the lessor from the lease or rental of such linens and garments.
- (b) The tax levied in subsection (a) of this section shall apply to those persons engaging or continuing in the City of Satsuma's police jurisdiction in the business of leasing or renting tangible property at a rate of one half of the taxation levied on businesses subject to subsection (a) of this section that are within the City of Satsuma's city limits.

3. Article V Sec. 82-134 regarding the Personal Property Rental or Lease Tax shall be amended to identify subsection (a) and add subsection (b) to read in its entirety as follows:

Sec. 82-134. Collection

- (a) 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, 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.

(b) The ordinance for administering and collecting the sales tax as set forth in subsection (a) in this section shall specifically also apply to the City of Satsuma's police jurisdiction, to be at a rate of one half of the taxation levied on businesses subject to subsection (a) of this section that are within the City of Satsuma's city limits.

3. This Ordinance shall become effective December 1, 2009 after its adoption and publication as required by law, and is retroactive from the date of April 15, 2003.

ADOPTED this 1st day of December, 2009.

/s/ William F. Stewart
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 O'Gwynn seconded the motion. The meeting adjourned at 7:40. 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