

**CITY OF SPANISH FORT
CITY COUNCIL MEETING
AGENDA**

Regular Meeting
January 16, 2024
Spanish Fort Community Center
6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Work Session January 2, 2023
Regular Meeting January 2, 2023

- VI. REPORTS OF COMMITTEES AND OFFICERS
- VII. PUBLIC PARTICIPATION
- VIII. ANNOUNCEMENTS

Congressman Jerry Carl has sent out a survey to Spanish Fort residents asking for feedback about our postal service. Please check your email inbox and fill out the survey. If you did not receive a survey, please send your comments to jerry.carl@mail.house.gov. It is important the Congressman and his staff receive your feedback.

Start the New Year with a clean sweep. The City of Spanish Fort is partnering with United Cerebral Palsy of Mobile to host a free electronics recycling event on Saturday, January 20, 2024, at Spirit Park from 8:00 a.m. to 12:00 p.m. For a list of items accepted, please see the following website: <https://www.ucpmobile.org/electronics-recycling>. No tube televisions or computer monitors accepted. There also will be separate recycling available for the disposal of old Christmas lights.

- IX. OLD BUSINESS
- X. NEW BUSINESS

Presentation of Employee Anniversary Plaques

Ordinance No. 654-2024-----An Ordinance Establishing Rules and Regulations for Spirit Park in the City of Spanish Fort, Alabama

Ordinance No. 655-2024-----An Ordinance Establishing Policies and Procedures for Traffic Calming Measures on Public Rights-of-Way in the City of Spanish Fort

Ordinance No. 656-2024-----An Ordinance Extending the Rezoning of Certain Property Described as Lot 6, Eastern Shore Centre, Phase Four, Spanish Fort, Alabama, from B-3 to B-5

- XI. ADJOURN TO NEXT MEETING
Work Session and Regular Meeting, February 5, 2024

**Spanish Fort City Council
Minutes, Regular Meeting, January 2, 2024**

CALL TO ORDER

The City Council of the City of Spanish Fort, Alabama, met Tuesday, January 2, 2024, at 6:00 p.m., at the Spanish Fort Community Center, that being the scheduled date, time and place of such meeting.

ROLL CALL

The following Councilmembers were present: Curt Smith, Carl Gustafson, Shane Perry, J. R. Smith, Mary Brabner and Mayor McMillan.

INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney David Conner led the Invocation and Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

The minutes of the Meeting and Work Session of December 18, 2023, were distributed to each member, and Mayor McMillan called for any corrections. No corrections being offered, Mayor McMillan declared the minutes approved as written.

REPORTS OF COMMITTEES AND OFFICERS

There were no reports.

PUBLIC PARTICIPATION

There was none.

ANNOUNCEMENTS

Congressman Jerry Carl has sent out a survey to Spanish Fort residents asking for feedback about our postal service. Please check your email inbox and fill out the survey. If you did not receive a survey, please send your comments to jerry.carl@mail.house.gov. It is important the Congressman and his staff receive your feedback.

The City of Spanish Fort and the Spanish Fort Public Library will be closed on Monday, January 15, 2024, to commemorate the Martin Luther King Junior holiday. The City Council meeting and work session scheduled for Monday, January 15, 2024, will be held on Tuesday, January 16, 2024.

Christmas tree recycling will be available at Fire Station One, located at 7580 Spanish Fort Blvd. A roll off dumpster for the placement of trees will be located on the east side of the property, beginning around December 21, and will be in place through the first week of January.

Waste Pro customers scheduled for pickup each day of this week will have their residential trash picked up one day later than usual.

The Planning Commission meeting and work session scheduled for Monday, January 8, 2024, will be held on Tuesday, January 9, 2024.

Start the New Year with a clean sweep. The City of Spanish Fort is partnering with United Cerebral Palsy of Mobile to host a free electronics recycling event on Saturday, January 20, 2024, at Spirit Park from 8:00 a.m. to 12:00 p.m. For a list of items accepted, please see the following website: <https://www.ucpmobile.org/electronics-recycling>. No tube televisions or computer monitors accepted. There also will be separate recycling available for the disposal of old Christmas lights.

OLD BUSINESS

There was none.

NEW BUSINESS

Proclamation of the Month of September as Childhood Cancer Awareness Month in the City of Spanish Fort, Alabama

Mayor McMillan issued a proclamation proclaiming the month of January as Human Trafficking Awareness Month in the City of Spanish Fort. David Conner read the proclamation. Receiving the proclamation was Melissa Murrell, Assistant Director of the Child Trafficking Solutions Project of the Children's Aid Society of Alabama on behalf of the Alabama Human Trafficking Task Force/End it Alabama and other partners.

Promotion Ceremony for Fire Department Employees

Mayor McMillan and Fire Chief Roger Few recognized the following Fire Department Employees who received promotions recently:

Firefighter Anthony Lee was promoted to Apparatus Operator I

Firefighter Tyler Knight was promoted to Firefighter II

Apparatus Operator II James Powell was promoted to Lieutenant

Swearing in of City Employees

Mayor McMillan called upon City of Spanish Fort Municipal Judge, the Honorable Derek Rose, who swore in Anthony Lee, Joshua Reno, Ethan Glynn and Walker Hoomes as firefighters for the City of Spanish Fort.

Ordinance No. 653-2024

Mayor McMillan presented Ordinance No. 653-2024, an ordinance establishing a monthly salary and benefits for the Mayor and Councilmembers. David Conner explained the proposed ordinance. Discussion followed.

A motion was made by Councilmember J. R. Smith and seconded by Councilmember Perry to adopt Ordinance No. 653-2023. Discussion followed. Mayor McMillan called for a polling of votes. Voting "aye" were Councilmembers Curt Smith, Perry, J. R. Smith, and Mayor McMillan. Voting "nay" were Councilmembers Gustafson and Brabner. Mayor McMillan declared the Ordinance adopted.

Ordinance No. 654-2024

Mayor McMillan introduced Ordinance No. 654-2024, an ordinance establishing rules and regulations for Spirit Park in the City of Spanish Fort, Alabama. David Conner explained the proposed ordinance. Discussion followed.

Resolution No. 1383-2024

Mayor McMillan presented Resolution No. 1383-2024, a resolution amending the employee pay classification guidelines. David Conner explained the proposed Resolution. Discussion followed.

A motion was made by Councilmember Brabner and seconded by Councilmember Curt Smith to adopt Resolution No. 1383-2024. Discussion followed. Mayor McMillan called for a polling of votes. Voting "aye" were Councilmembers Curt Smith, Gustafson, Perry, J. R. Smith, Brabner and Mayor McMillan. Voting "nay" were none. Mayor McMillan declared the Resolution adopted.

Resolution No. 1384-2024

Mayor McMillan presented Resolution No. 1384-2024, a resolution authorizing the Mayor to execute a contract for assistance with grant preparation between the City of Spanish Fort and JMCM Consulting, LLC. David Conner explained the proposed Resolution. Discussion followed.

A motion was made by Councilmember Gustafson and seconded by Councilmember Perry to adopt Resolution No. 1384-2024. Discussion followed. Mayor McMillan called for a polling of votes. Voting “aye” were Councilmembers Curt Smith, Gustafson, Perry, J. R. Smith, Brabner and Mayor McMillan. Voting “nay” were none. Mayor McMillan declared the Resolution adopted.

Other Business

Councilmember Brabner commented on citizen complaints and the intensity level of fireworks during the New Year’s holiday period and requested the City Council review the fireworks ordinances.

Mayor McMillan commended City staff for their work on the Christmas decorations placed at the Community Cener and throughout the City during the Christmas season.

ADJOURNMENT

There being no further business before the Council, the meeting adjourned at 6:34 p.m.

Approved this ____ day of January, 2024.

Rebecca A. Gaines
City Clerk.

Spanish Fort City Council

Minutes, Work Session, Tuesday, January 2, 2024

The City Council of the City of Spanish Fort, Alabama, met Tuesday, January 2, 2024, at 4:02 p.m., at the Spanish Fort Community Center, that being the scheduled date, time and place of such meeting.

The following Councilmembers were present: Curt Smith, Carl Gustafson, Shane Perry, J. R. Smith, Mary Brabner and Mayor McMillan. A quorum being present, the work session proceeded.

The Council discussed general municipal business.

Mr. David Conner, City Attorney, made a recommendation that the City Council go into executive session in accordance with the Alabama Open Meetings Act to discuss the general reputation and character of certain individuals and, subject to the limitations set out therein, to discuss the job performance of certain public employees; to discuss the legal ramifications of and legal options for pending litigation, controversies not yet being litigated, but imminently likely to be litigated, or imminently likely to be litigated if the governmental body pursues a proposed course of action. Mr. Conner made an oral declaration that the exceptions under the Open Meetings Act are applicable to the planned discussion. A motion was made by Councilmember J. R. Smith and seconded by Councilmember Brabner to go into executive session at 4:58 p.m. to discuss the aforementioned matters. Mayor McMillan called for the polling of votes. Voting "aye" were Councilmembers Curt Smith, Gustafson, Perry, J. R. Smith, Brabner and Mayor McMillan. Voting "nay" were none. Mayor McMillan announced that the executive session would last approximately 40 minutes and that the Work Session would resume upon the conclusion of the executive session. At 5:27 p.m., City Clerk Rebecca Gaines announced the executive session would continue for approximately 15 minutes. At 5:46 p.m., City Clerk Rebecca Gaines announced the executive session would continue approximately 15 minutes.

The Council reconvened at 5:58 p.m.

The Council discussed general municipal business.

There being no further business before the Council, the work session adjourned at 5:58 p.m.

Approved this _____ day of January, 2024.

Rebecca A. Gaines
City Clerk

ORDINANCE NO. 654-2024

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR SPIRIT PARK IN THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, the Mayor and City Council believe that it is in the best interest of the City to protect the health, safety and welfare of the citizens by establishing certain rules and regulations for the recreational facility known as “Spirit Park”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. The following Rules and Regulations shall apply at Spirit Park:

A. General Rules and Regulations:

Patrons shall obey all posted signage including, but not limited to, parking, handicap and traffic control signs.
No motorized vehicles on sidewalks or grass.
No bicycles, skates, skateboards, rollerblades, wheeled shoes or scooters.
No tobacco products.
No profanity.
No alcoholic beverages.
No pets.
Patrons assume all risk of injury, damage or loss sustained while on the premises.

B. Concession Area Rules:

Coca Cola Products Only.
No cooking shall be allowed inside the building.
- Pre-prepared foods shall be allowed with proper and safe warmers.
- Outside grilling permitted.
- Supervision required at all times.
Clean-Up after each event.
- Floors and serving area.
- Trash in covered trash cans.
- Food items properly stored.
- Wash your hands often
No gum to be sold.

C. Ball Field Rules:

Teams and Coaches to police dugouts and bleacher areas at the end of each game.

No batting practice or soft toss against the fence or walls.
Each Manager is responsible for the actions of players, coaches and fans.

D. Tennis Court Rules:

1. League Captains must submit their roster, complete with addresses, to the City prior to the start of the season. League rosters should be printed from the league websites.
2. Since space is limited and teams need practice and match times, fifty percent (50%) of the team league roster must reside in zip code 36527, except as noted in Section 1.D.3.

3. The only exception to Section 1.D.2. will be at the upper levels when there are not enough players at a certain level residing in the Spanish Fort zip code. Approval for this type league team will be at the discretion of the City of Spanish Fort.
4. Schedules for league play must be submitted to the City of Spanish Fort before the start of the season to be placed on the Master Calendar.
5. Make up matches and any schedule changes for league play must be approved by the City and availability of courts will be verified.
6. The City of Spanish Fort will maintain the Master Calendar for league play on the website. Each captain must consult the calendar before rescheduling league matches and call the City to be placed on the Master Calendar.
7. All league matches will use the bottom courts.
8. League matches that require more than 4 courts will have to stagger start times so that only 4 courts are being utilized by league play.
9. **NO** fee based or paid lessons to be taught without approval of the City of Spanish Fort.
10. Tennis shoes only.
11. Adult supervision required for children under 12.

SECTION 2. Penalties. Any person violating any provision of this Ordinance shall be punished by a fine of not less than \$100.00 nor more than \$500.00, and said person shall pay all remedial costs incurred by the City, or any other agency, involved in restoring the facility if found in violation of this Ordinance.

SECTION 3. Repealer Clause. Ordinance No. 398-2011 and 439-2013 are hereby repealed in their entirety. Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 4. Severability Clause. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. Effective Date. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED AND APPROVED this _____ day of _____, **2024.**

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines, CMC
City Clerk

ORDINANCE NO. 655-2024

AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR THE INSTALLATION OF TRAFFIC CALMING MEASURES ON PUBLIC RIGHTS-OF-WAY IN THE CITY OF SPANISH FORT

WHEREAS, *Alabama Code* (1975) § 11-49-80 vests management and control of municipal streets, alleys and public ways in the City Council; and

WHEREAS, in the exercise of its legislative powers, the City Council desires to set forth policies and procedures in regards to implementing traffic calming measures for certain streets, alleys and public ways.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Traffic calming device* means any device installed in the roadway designed to limit vehicle operating speeds and to encourage vehicles to seek alternative routes, including, but not limited to, the following.
- (2) *Rumble strip* means a series of small, raised pavement undulations, often seen on the approaches to intersections on high-speed roadways. The rumble strip is a series of five to seven raised pavement areas, each being approximately eight inches wide and one-half inch high, spaced on approximately ten-inch gaps.
- (3) *Speed bump*, also referred to as a *speed breaker*, means a raised pavement section typically less than one foot wide and three to four inches in height, typically found in commercial parking lots and driveways. The design of speed bumps generally makes them inappropriate for use on the public right-of-way.
- (4) *Speed hump* means a raised pavement section typically 12 to 14 feet long and three inches high. Speed humps typically have the cross section of a section of an arc of a circle and extend from edge of asphalt paving to edge of asphalt paving on the roadway without obstructing the gutter using a 12-inch taper to the gutter seam. Typical materials for the construction of a speed hump are asphalt, concrete, rubber, and brick.
- (5) *Speed lump*, also known as speed cushions, are a variation of speed humps. Instead of a continuous hump, it is divided into several smaller sections which allows for unobstructed passage of emergency vehicles, buses, trucks and other wide wheelbase vehicles and allows for improved drainage. The gaps are spaced such that only one set of standard vehicle tires will go through the gap while the other set of vehicle tires must go over the hump.
- (6) *Speed table* means devices similar to speed humps, except that the overall length of the table is extended to approximately 22 feet, which allows for a ten- to 12-foot flat area on top of the speed hump. This flat area is sometimes used as an area for pedestrian crossing and is known as a raised crosswalk.

SECTION 2. Approval required prior to installation; traffic calming study and criteria.

No new traffic calming device shall be installed along a roadway in the City without the prior approval of the City Council. Prior to the installation of a new traffic calming device upon any roadway in the City, City staff and the City Council shall review the following criteria:

- (1) *Traffic volume.*
- (2) *Speed criteria.*

(3) *Roadway classification criteria.* Traffic calming devices will not be installed on roadways which are classified in the City's major street plan.

(4) *Roadway geometric criteria.* Traffic calming devices will not be installed in the following roadway geometric conditions:

- a. A horizontal curve or a vertical curve where the visibility of the traffic calming device is restricted, or on an approach to such curves;
- b. On roadways at any location where the grade exceeds five percent, including the approaches to each traffic calming device installation;
- c. On roadways more than two lanes wide or less than 18 feet wide;
- d. On roadways having a posted speed limit of greater than 30 miles per hour;
- e. Where placement of traffic calming devices are impractical due to the location of the public roadway intersections and/or driveways.

(5) *Accident criteria.* Accident patterns should be considered to determine trends of accidents which:

- a. Might have been prevented if vehicle operating speeds were generally lower on the subject roadway; or
- b. Might have been more severe if traffic calming devices were in place.

There are no criteria for the minimum number of accidents which might have been prevented if operating speeds were generally lower.

(6) *Increase in traffic on other roadways as a result of the installation of traffic calming devices.*

(7) *Emergency access and route criteria.* Traffic calming devices shall not be permitted on roadways which serve as a primary route for emergency vehicles.

(8) *Public involvement criteria.* Public requests for the installation of traffic calming devices shall be submitted by petition to the City via the City Clerk. The preferable method of public involvement for the installation of traffic calming devices is through an established homeowner's association. In the absence of a homeowner's association or property owner's association, or if the geographic area encompassed by the homeowner's association exceeds or does not cover the impact area of the proposed traffic calming device installation, the input of those persons or entities owning property within a geographic area reasonably determined by the City to be impacted by the proposed traffic calming device may be considered in the public involvement process.

a. Persons seeking traffic calming devices shall appoint a single individual to act as a point of contact between the City and the represented group, who shall endeavor to meet with City staff prior to the submission of a petition to first attempt to resolve the request and, if unsuccessful, to identify those persons or entities who should be notified or whose signatures should be included in the petition to the City Council. No petition shall be considered where the petitioners have not first attempted to resolve the request by meeting with City staff. No petition will be considered within one year of a previous petition covering the same geographic area.

b. The installation of traffic calming devices via petition must be approved by the homeowner's or property owner's association, or in absence of an established association, fifty-one percent of the owners of all parcels of property within the geographic impact area as determined by the City. In any case, only one signature/vote on a petition per parcel of property in the affected area will be counted.

c. Types of traffic calming devices, locations thereof, and other similar determinations, if any, shall be made in the sole discretion of the City.

d. Upon receipt of such petition, a copy of said petition will be submitted by the City Clerk to a committee made up of two City Councilmembers appointed by the Council, the Mayor, the Public Works Department Head, the Police Chief and the Fire Chief. The Committee shall make a recommendation to the City Council to approve or disapprove

the request at a publicly held committee meeting. Any recommendation of approval or denial by the Committee will state the general location where the traffic calming device or devices should be installed. All other criteria as to types of devices and placement thereof shall be in the discretion of the City engineer or other appropriate City personnel. The recommendation shall be forwarded to the City Council for review and consideration by the City Council.

SECTION 3. Limitations on placement.

The following shall be limitations upon the use or installation of certain traffic calming devices in the City:

- (1) *Speed bumps.* Because of their design, speed bumps are generally considered inappropriate for use on the public right-of-way.
- (2) *Speed humps.* Speed humps shall not be placed in the following locations:
 - a. On horizontal and vertical curves, or the approaches to such curves;
 - b. On a grade of five percent or greater, or the approach to such grades;
 - c. Adjacent to a driveway;
 - d. Within 250 feet of a traffic signal;
 - e. Within 50 feet of a public roadway intersection;
 - f. Over or near manholes;
 - g. Adjacent to fire hydrants; or
 - h. Immediately upstream of drainage inlets.
- (3) *Rumble strips.* Rumble strips are not recommended for use in traffic calming situations. Any recommendation calling for their use should be accompanied by a compelling reason.
- (4) *Striping, signage and pavement markings.* Any recommendation to install a traffic calming device should include recommendations for appropriate striping, signage and other pavement markings to delineate the traffic calming device.

SECTION 4. Approval by the City Council. Notwithstanding any provision in this Ordinance to the contrary, in accordance with applicable state law, the City Council shall have and reserves the sole authority to approve or disapprove the installation of traffic calming devices on municipal streets as defined in *Alabama Code* (1975) § 11-49-80 on any terms and conditions deemed necessary, in its sole discretion. The City Council reserves the right to install or remove any traffic calming devices, in its sole discretion, with or without a petition or approval of the property owners in the geographic area.

SECTION 5. Severability Clause. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding. ³

SECTION 6. Repealer Clause. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this ____ day of _____, 2023.

Michael M. McMillan
Mayor

Rebecca A. Gaines
City Clerk

ORDINANCE NO. 656-2024

AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT EXTENDING THE REZONING OF CERTAIN PROPERTY DESCRIBED AS LOT 6, EASTERN SHORE CENTRE – PHASE FOUR, SPANISH FORT, ALABAMA, FROM B-3 TO B-5

WHEREAS, the owner of the property made the subject of this change in zoning classification requested that the zoning classification on the property be changed from B-3 to B-5, which request was adopted by the Spanish Fort City Council in Ordinance No. 629-2023 on February 6, 2023; and

WHEREAS, by letter dated December 18, 2023, RAM Spanish Fort Hospitality, Inc. submitted a request for extension of the rezoning approval; and

WHEREAS, the City Council of the City of Spanish Fort, Alabama, finds good cause exists to extend the time limit for of the rezoning approval for a period not to exceed an additional twelve months.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Extension of Change in Zoning Classification.

In accordance with Section 11.11 of Ordinance No. 51-96, as amended, of the City of Spanish Fort, Alabama, the rezoning of certain property described as Lot 6-D Eastern Shore Centre – Phase Four, bearing tax parcel number 05-32-07-26-0-000-021.053 from B-3, General Business District, to B-5, Hotel/Motel District, as adopted by the Spanish Fort City Council on February 6, 2023, is hereby for an additional twelve months through February 6, 2025.

SECTION 2. Repealer Clause.

Any ordinance heretofore adopted by the City Council of the City of Spanish Fort, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, and Ordinance No. 629-2023, shall remain in full force and effect.

SECTION 3. Severability Clause.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 4. Effective Date.

This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this _____ day of _____, 2024.

Michael M. McMillan
Mayor

ATTEST:

Rebecca A. Gaines
City Clerk

EXHIBIT "1" TO ORDINANCE NO. 615-2022

LEGAL DESCRIPTION:

LOT 6-D, EASTERN SHORE CENTRE PHASE FOUR, ACCORDING TO THE PLAT THEREOF
RECORDED ON SLIDE NOS. 2225-B AND 2225-C IN THE OFFICE OF THE JUDGE OF
PROBATE, BALDWIN COUNTY, ALABAMA