

MINUTES OF A REGULAR MEETING OF
THE MAYOR AND CITY COUNCIL OF
THE CITY OF HAMILTON, ALABAMA

August 3, 2009

A regular meeting of the Mayor and City Council of Hamilton, Alabama was held on August 3, 2009 at 6:00 p.m. in the Auditorium of Hamilton City Hall. Mayor Holliday called the meeting to order and welcomed all guests. Annette Sherrill led the Pledge of Allegiance and McDavid Franks gave the invocation. Those present were:

Mayor:	Bobby Holliday
Council:	McDavid Franks Scotty Sanderson Annette Sherrill April Steele Paul Stidham
City Clerk:	Jan Williams
Guests:	Suresh Patel Lloyd Ponds David Hightower Bill Tyra Tami Williams James W. Tate Lois W. Tate Dale McCreless Curt Gilliland K.T. Patel Watha Williams Robyn Zills Scott Hunt

The first order of business was a motion by Scotty Sanderson that the Minutes from the previous meeting be approved. Annette Sherrill seconded the motion which passed unanimously.

Item number two on the agenda was a motion by Annette Sherrill to approve the Accounts Payable Bills. April Steele seconded the motion and all voted "Yes".

At this time Mayor Holliday recommended the appointments of the following people to the City of Hamilton Planning Commission:

- | | |
|------------------------------------|---------------------------------|
| 1. Brenda Burleson Term 6 years | 2. David Hightower Term 5 years |
| 3. James Tate Term 4 years | 4. Bill Tyra Term 3 years |
| 5. Dale McCreless Term 2 years | 6. Pam Mixon Term 1 year |
| 7. Mayor Bobby Holliday Ex-Officio | 8. Barron Wiginton Ex-Officio |
| 9. McDavid Franks Ex-Officio | |

McDavid Franks made a motion to approve the appointment of the above mentioned people to the City of Hamilton Planning Commission. Annette Sherrill seconded the motion. All voted in favor.

The next item was a recommendation by Mayor Holliday to appoint the following people to the City of Hamilton Appeals Board:

- | | |
|------------------------|-------------------------|
| 1. Mac Smith 1 year | 2. Lloyd Ponds 2 years |
| 3. Lois Tate 3 years | 4. Henry Bonner 4 years |
| 5. Harry Green 5 years | |

Annette Sherrill made a motion to approve the appointment of the above mentioned people to the City of Hamilton Appeals Board. McDavid Franks seconded the motion which passed unanimously.

Item number five on the agenda was a recommendation by Mayor Holliday to appoint the following people to the City of Hamilton Industrial Board:

- | | |
|-------------------|-----------------------|
| 1. Brent Thompson | Term Expires 12-31-09 |
| 2. Gene Rollins | Term Expires 12-31-11 |

Paul Stidham made a motion to approve the appointment of the above mentioned people to the City of Hamilton Industrial Board. McDavid Franks seconded the motion and all voted "Yes".

At this time Mayor Holliday introduced Ordinance number 2009-15 for the purpose of amending Ordinance number 2009-8 to only include the City of Hamilton city limits.

THE CITY OF HAMILTON
ORDINANCE NO.: 2009-15

AN ORDINANCE ESTABLISHING A UNIFORM BUILDING CODE FOR ALL RESIDENTIAL AND
COMMERCIAL STRUCTURES IN THE CITY OF HAMILTON.

An ordinance to adopt the uniform building code (hereinafter "Hamilton Building Code") prescribing regulations governing the construction, erection, alteration or improvement of buildings, or such other regulations as the case may be, in the corporate limits and police jurisdiction of the City of Hamilton, Alabama, providing for the enforcement of said regulations, and prescribing penalties for the violation thereof;

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

Section 1. Pursuant to the authority granted to the cities and towns of Alabama by Section 11-45-8 of the Code of Alabama, 1975, as amended, there is hereby adopted by the City Council of Hamilton, Alabama, for the purpose of prescribing regulations governing the construction, erection, alteration or improvement of buildings, or such other regulations as the case may be, all of that certain code printed in pamphlet forms known as the 2006 International Building Code, 2006 International Residential Code and the 2006 International Fire Code, and the amendments thereto, but excluding any and all requirement for Radon testing in said codes and the requirement that on-site disposal containers are required of all instances wherein a permit is required pursuant to this Ordinance and Ordinance No. 2009-_____, as the official "Hamilton Building Code" of the City of Hamilton, Alabama, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling with the corporation limits of the City of Hamilton.

Section 2. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally, for each and every violation and noncompliance respectively, with each day constituting a new violation, be guilty of a misdemeanor punishable by fine not exceeding not less than Ten Dollars or by imprisonment for not less than 1 day, or by both such fines and imprisonment. The imposition of one penalty for violation shall not excuse the violation or permit it to continue. The application of the penalty shall not be held to prevent enforced removal of prohibited conditions.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 4. Should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City of Hamilton that it would have passed all other portions of this ordinance and the code hereby adopted independent of the elimination there from or any such portion that may be declared invalid.

Section 5. This ordinance and the code hereby adopted shall take effect and be in force beginning on October 1, 2009.

Section 6. That nothing in this ordinance or in the Hamilton Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or inconsistent ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

ORDAINED THIS THE 3rdth DAY OF August, 2009.

Mayor J. Robert Holliday, Jr.

ATTEST:

Jan Williams, City Clerk

Annette Sherrill motioned to approve the immediate consideration of Ordinance number 2009-15 and McDavid Franks seconded the motion. All voted in favor.

McDavid Franks made a motion to approve Ordinance number 2009-15. Paul Stidham seconded the motion being put to a vote, all voted "Aye" and "Nays" were none.

The next item of business was a recommendation by Mayor Holliday to contract with Roger Karr, who is a State Certified Building Inspector, to be the Building Inspector for the City of Hamilton and to pay him on a commission basis. McDavid Franks made a motion to approve the recommendation and Paul Stidham seconded the motion. Voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

Scotty Sanderson made a motion to authorize the hiring of an employee for the Street Department. Annette Sherrill seconded the motion which passed unanimously.

April Steele made a motion to authorize the hiring of a police officer for the Police Department. McDavid Franks seconded the motion and all voted "Yes".

Item number eleven on the agenda was a recommendation requiring citizens sign an affidavit stating social security is their only source of income, when applying for garbage exemption. Annette Sherrill motioned to approve the recommendation and McDavid Franks seconded the motion. All voted in favor.

At this time Resolution number 2009-8-3 authorizing and approving application for Energy Efficiency and Conservation Block Grant (EECBG) through the State of Alabama's ADECA Energy Division was presented for approval. (This grant is 100% monies with no local match). Scotty Sanderson made the motion to approve Resolution number 2009-8-3. Annette Sherrill seconded the motion which passed without opposition.

**RESOLUTION NUMBER 2009-8-3
AUTHORIZING AND APPROVING APPLICATION
FOR ENERGY EFFICIENCY AND CONSERVATION
BLOCK GRANT (EECBG) THROUGH
THE STATE OF ALABAMA'S ADECA ENERGY DIVISION**

WHEREAS, the City of Hamilton is in need of EECBG funds to complete an energy survey and upgrade its city hall, recreation center with energy efficient improvements,

AND WHEREAS, ADECA is giving multi-entity projects priority consideration,

NOW, THEREFORE, BE IT RESOLVED BY CITY OF HAMILTON:

1. That the City of Hamilton will submit a joint through the EECBG program.
2. That the City of Hamilton will allow the City of Guin to serve as lead applicant for the EECBG grant.

3. That the Mayor is duly authorized to sign any documents for and act on behalf of the City of Hamilton in any matters related to this EECEBG grant.

ADOPTED THIS THE 3rd DAY OF August, 2009.

SEAL:

ATTEST:

City Clerk

Mayor

At this time Mayor Holliday opened the meeting to comments from the guests. Mr. Curt Gilliland asked the Mayor and Council if they were willing to lower the current lodging tax. Mayor Holliday stated that he and the Council had discussed the matter and had decided not to lower the tax. Councilman Scotty Sanderson stated for the record, he had not been involved with the discussions to not lower the tax. Mr. Gilliland stated he and other motel owners were going to file a complaint with the Attorney General's Office regarding the lodging tax rate.

McDavid Franks urged everyone to place a bag in their vehicles for garbage and to take pride in their city by not littering.

There being no further business, Scotty Sanderson made a motion that the meeting be adjourned. Annette Sherrill seconded the motion, following a unanimous consent in favor Mayor Holliday declared the meeting adjourned.

Mayor

City Clerk

Council:
