

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

September 21, 2009

A regular meeting of the Mayor and City Council of Hamilton, Alabama was held on September 21, 2009 at 6:00 p.m. in the Auditorium of Hamilton City Hall. Mayor Holliday called the meeting to order and welcomed all guests. McDavid Franks led the Pledge of Allegiance and 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:	Scott Hunt Robyn Zills Don Gann Kieran Jackson Heath Jackson Watha Williams Barron Wiginton Pam Mixon

The first order of business was a motion by Annette Sherrill that the Minutes from the last meeting be approved. McDavid Franks seconded the motion which passed unanimously.

At 6:03 p.m. Annette Sherrill made a motion to enter into executive session for the purpose of discussing good name and character. Scotty Sanderson seconded the motion and all voted "Yes".

At approximately 6:25 p.m. Annette Sherrill motioned to return to regular session and Scotty Sanderson seconded the motion. All voted in favor.

The next item on the agenda was a recommendation to approve Resolution number 2009-9-21 Multi-Jurisdiction Hazard Mitigation Plan. Paul Stidham made a motion to approve

the Resolution and Annette Sherrill seconded the motion which passed without opposition.

#### MULTI-JURISDICTION HAZARD MITIGATION PLAN

Whereas, Section 409 of the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act (Public Law 93-228, as amended), Title 44 CFR, as amended by Section 102 of the Federal Disaster Mitigation Act of 2000, as administered by the Federal Emergency Management Agency, Region IV, requires and provides a framework for all state and local governments to review and evaluate a local hazard mitigation strategy to protect life and property through an assessment of risk and mitigation practices, as a condition of receiving Federal disaster and hazard mitigation assistance; and,

Whereas, the Marion County Emergency Management Agency, along with other officials in Marion County, has been involved in the development of the Marion County Multi-Jurisdictional Hazard Mitigation Plan; and,

Whereas, the City of Hamilton supports the enhancement and refinement of the Plan in accordance with guidance from the Alabama Emergency Management Agency and the Federal Emergency Management Agency; and,

Whereas, the Marion County Multi-Jurisdictional Hazard Mitigation Plan has been reviewed by the Alabama Emergency Management Agency and the Federal Emergency Management Agency and has obtained approval pending adoption by local legislative bodies; and,

Whereas, the draft Marion County Multi-Jurisdictional Hazard Mitigation Plan was advertised at a public meeting on September 9, 2008 and again following review by the Federal Emergency Management Agency and the Alabama Emergency Management Agency on August 25, 2009;

NOW, THEREFORE, BE IT RESOLVED BY THE City of Hamilton, Marion County, ALABAMA that the Marion County Multi-Jurisdictional Hazard Mitigation Plan is hereby adopted as the Marion County Multi-Jurisdiction Hazard Mitigation Plan.

Duly passed and adopted this September 21, 2009.

ATTEST:

City of Hamilton:

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Mayor

The next item on the Agenda was a recommendation to approve the State of Alabama Drop Program. Annette Sherrill made a motion to table the request pending further information. McDavid Franks seconded the motion which passed unanimously.

McDavid Franks made a motion for immediate consideration of Ordinance number 2009-16 to amend Ordinance number 2009-9 Building Code to include basements and attached carports, and also a one time inspection of swimming pools and replacements of roofs for residential over \$10,000.00. Paul Stidham seconded the motion and voting was as follows: Ayes: McDavid Franks, Paul Stidham, Scotty Sanderson, Annette Sherrill and April Steele. Nays: None.

THE CITY OF HAMILTON  
ORDINANCE NO.: 2009-16

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

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. 2009-16, 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 and police jurisdiction of the City of Hamilton.

Section 1A. The official "Hamilton Building Code" of the City of Hamilton, Alabama, and the provisions thereof, specifically applies to the construction, erection, alteration or improvement of residential and commercial basements, carports and swimming pools, and this shall be controlling with the corporation limits of the City of Hamilton

Any modification to an existing structure that entails a change of occupancy category (e.g. from residential to commercial) additionally requires an ICC Planning Board Review, prior to review by the Hamilton City Council.

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 that 1 day, or by both such

finer 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 21<sup>st</sup> day of September, 2009.

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Mayor J. Robert Holliday, Jr.

ATTEST:

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Jan Williams, City Clerk

**McDavid Franks made a motion to approve Ordinance number 2009-16 and Paul Stidham seconded the motion which passed without opposition.**

Paul Stidham made a motion to approve paying the State Employees' Insurance rate increase of 10% on active full-time employees individual premiums. Employees with dependent coverage and retirees will absorb the 10% increase. McDavid Franks seconded the motion and all voted "Yes".

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.

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Mayor

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City Clerk

Council:

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