

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

October 19, 2009

A regular meeting of the Mayor and City Council of Hamilton, Alabama was held on October 19, 2009 at 6:00 p.m. in the Auditorium of Hamilton City Hall. Mayor Pro-tem Annette Sherrill called the meeting to order and welcomed all guests. April Steele led the Pledge of Allegiance and McDavid Franks gave the invocation. Those present were:

Council:	McDavid Franks Scotty Sanderson Annette Sherrill April Steele Paul Stidham
City Clerk:	Jan Williams
Absent:	Mayor Bobby Holliday
Guests:	Ed Howell Kieran Jackson Heath Jackson Alissa Brown Don Gann Shannon Nichols Scott Hunt

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

April Steele made a motion to pay Marion County Commission \$5,217.66 for the City of Hamilton's portion of impoundment of animals. Paul Stidham seconded the motion and all voted in favor.

At this time Scotty Sanderson made a motion for immediate consideration of Ordinance number 2009-20 to amend Ordinance number 2009-19 prohibiting the disruption of assemblies and certain behaviors and amplified noises within the municipal limits of the City of Hamilton, Alabama. April Steele seconded the motion and voting was as follows: Ayes: McDavid Franks, Scotty Sanderson, Annette Sherrill, April Steele and Paul Stidham. Nays: None.

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE CITY OF HAMILTON TO AMEND ORDINANCE NUMBER 2009-19 PROHIBITING THE DISRUPTION OF ASSEMBLIES AND CERTAIN BEHAVIORS AND AMPLIFIED NOISES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF HAMILTON, ALABAMA.

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

WHEREAS, the City Council of the City of Hamilton finds the need to clarify and limit Section 3 of Ordinance Number 2009-19 to allow for the appropriate use of an electrical or mechanical device for the purpose of amplifying the human voice, or for the purpose of amplifying the sound produced by musical instruments, whether direct or through the use of recordings and/or to maintain or operate any loudspeaker or other device by which sounds are magnified during the conduction of any worship or religious service or any other lawful assembly of people, including athletic events.

NOW THEREFORE, for the foregoing purposes, and other legitimate purposes, BE IT ORDAINED BY THE CITY OF HAMILTON, ALABAMA, THROUGH ITS DULY ELECTED COUNCIL, as follows:

Section 1. AMENDMENT OF SECTION 3 OF ORDINANCE NUMBER 2009-19. Within the corporate limits of the City of Hamilton, Alabama, it shall be unlawful for any person or persons, firms or corporations to make use of an electrical or mechanical device for the purpose of amplifying the human voice, or for the purpose of amplifying the sound produced by musical instruments, whether direct or through the use of recordings. Within the corporate limits of the City of Hamilton, Alabama, it shall be unlawful for any person or persons, firms or corporations to maintain or operate any loudspeaker or other device by which sounds are magnified and made heard over any public street or public place. This section shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such manner as not to be audible at a distance of fifty (50) feet from such vehicle, nor to noise devices, bands, or other musical devices used in any public parade or procession or to any worship or religious service or any other lawful assembly of people, including athletic events. Any person, firm or corporation violating this provision

shall be fined not less than fifty dollars (\$50.00) no more than five hundred dollars (\$500.00).

SECTION 2. INCLUSION. Other than as provided in Section 1 of this amendment, Ordinance Number 2009-20 of the City of Hamilton is adopted, realleged and incorporated by reference as if fully set forth herein.

SECTION 3. SEVERABILITY. IF ANY ARTICLE, SECTION, SENTENCE, CLAUSE, PHRASE, OR PART OF THIS ORDINANCE IS FOR ANY REASON DECLARED TO BE UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF A COURT OF COMPETENT JURISDICTIONS, SUCH DECISION SHALL NOT AFFECT ANY REMAINING ARTICLES, SECTIONS, SENTENCES, CLAUSES, PHRASES, OR PARTS OF THIS ORDINANCE.

SECTION 4. EFFECTIVE DATE. THIS ORDINANCE SHALL BE IN FORCE AND EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION.

ADOPTED and ORDAINED this the 19th day of October, 2009.

Mayor

Attest:

City Clerk

Paul Stidham made a motion to approve Ordinance number 2009-20 and Scotty Sanderson seconded the motion which passed without opposition.

Mayor Pro-tem Annette Sherrill recommended the City of Hamilton award the gasoline bid to Hamilton Petroleum. She explained the City only received two bids, one from Hamilton Petroleum and the other Lowry Oil Company, which Lowry Oil withdrew their

bid. McDavid Franks made a motion to award the Gasoline Contract to Hamilton Petroleum Company beginning October 20, 2009 through October 20, 2010 and for the following amounts:

1. Gasoline-DATE OF DELIVERY WHOLESAL RACK PRICE PLUS FREIGHT, INSPECTION FEE & PROFIT
 - A. First grade regular unleaded, minimum 89 octane: \$2.0204 per gallon.
 - B. First grade super unleaded, minimum 93 octane: \$2.1904 per gallon.

2. Diesel Fuel-DATE OF DELIVERY WHOLESAL RACK PRICE PLUS FREIGHT, INSPECTION FEE & PROFIT
#2 low sulfur \$2.1196 per gallon.

Paul Stidham seconded the motion and all voted "Yes".

At this time Scott Hunt gave an update on the upcoming Buttahatchee River Fall Fest and talked about the many activities that are planned for the event.

Mayor Pro-tem Annette Sherrill talked about the following projects and items of interest to the City Council:

1. The City of Hamilton has been approved for CDBG Grant Phase 1 in the amount of \$32,000.00 for the downtown revitalization plan.
2. The twenty-five year lease on the walking track between the City of Hamilton and the Marion County Board of Education will expire April 29, 2010.
3. Discussed cost estimates on sewer projects.
4. Welcomed new businesses in town Lowe, Mobley, Lowe & LeDuke and Edward Jones Investment Firm which will be represented by Larry Don Nix.
5. Northwest Alabama Council of Local Governments is working on developing public transportation to Birmingham, Alabama.
6. Munsingwear building environmental work is complete.

Scotty Sanderson announced it is basketball sign-up time for small children at the recreation center. April Steele stated we are working on the 2010 budget for the City of Hamilton. McDavid Franks gave an update on the Planning Commission stating they have been working on zoning maps which will have to be approved. McDavid Franks also stated the heating element has gone out at the Fire Department.

The Munsingwear Building was also discussed and the possibility of tearing it down and leaving the basement. No action was taken.

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

Mayor

City Clerk

Council:
