COUNCIL MEETING

CITY OF LUVERNE

March 25, 2019

The City of Luverne Council met in regular session on March 25, 2019 at 5:30 p.m., in the City Hall Building. The following members were present:

Mayor Ed Beasley

Charlie Johnson, Councilman

Kip Smith, Councilman

Kathy Smyth, Councilwoman

Eddie Billings, Councilman

Margie Gomillion, Clerk

Mike Jones, Attorney

Michelle Royals, Engineer

William Neal, Building Inspector

Absent:

Elliott Jones, Councilman

Visitors:

Merrill Sport

Mayor Beasley called the meeting to order. The mayor called on Michelle Royals to lead the pledge of allegiance to the flag and Charlie Johnson to say a prayer.

The mayor stated the chief is not with us tonight but everyone has a copy of his report. Councilman Jones will not be attending tonight due having to be at the EMA office for possible severe weather.

Mayor Beasley called for the approval of the minutes of March 11, 2019. Councilman Billings made a motion to approve the minutes as written. Councilman Smith seconded the motion and the vote was unanimously approved.

The mayor called on Engineer Royals’ departmental reports. Ms. Royals stated everyone should go to Turner Park if they have not been. The work has been finished and they did a great job. The gazebos at Person to Person Park should be painted by the end of the week. Ms. Royals reported routine work is being done in all departments. Ms. Royals stated she would be bringing up another vehicle to be declared surplus at the next meeting. We have spent over $15,000 in repairs at Hudson’s on this vehicle in the last three years.

Mayor Beasley called on the city clerk for the administrative report. Routine work was performed.

Councilman Johnson reported the work at Turner Park has been completed. The fields are ready and everything looks good. The lake will open on April 1st which is also opening day at Turner Park.

The mayor stated he has spoken to Mr. Steve Defee and the traffic has increased at the airport.

Mayor Beasley reported everything at the library is running well and they are really busy this time of the year.

The mayor called on Mr. Neal for his report. Mr. Neal reported the Fire Department is going to order an air compressor and cascade system. The Fire Department will mail out bid specifications for this new unit. The new unit will be paid for with about 40% of city funds and the remainder will be paid from the Fire Departments club and special account. The total estimated cost is around $30,000. Mr. Neal discussed the Commercial Risk Services (Old ISO) will be surveying the Crenshaw County Fire Departments in late May or June. Mr. Neal stated Ms. Evans’ case comes up this week in city court. Mr. Neal stated there has been some discussion between Judge Smyth and the City Attorney concerning the use of summons. Mr. Neal discussed issuing more summonses to people for not cleaning up their property once the updated form has been approved. Mr. Neal briefly discussed an outdoor pavilion construction on the Airport Road that the Fire Marshall said had to be brought up to code before it could be built. Mr. Neal advised no building permit has been obtained from the city.

Councilman Smith reported everything at the Rescue is running smooth. One employee last week had some health issues. Councilman Smith stated one thing the Fire Department was lacking in the ISO ratings the last time they came were training records. The Fire Department is trying to help increase the ISO ratings with training.

Mayor Beasley reported the city received the check for the 61 on Main building.

The mayor stated Alethea Gammage’s appointment for the Board of Adjustments will expire in April. Councilman Smith made a motion to re-appoint Alethea Gammage to the Board of Adjustments. Councilman Johnson seconded the motion and all was in favor.

Mayor Beasley called on Mike Jones to discuss some ordinances. Mr. Jones stated a memo was in everyone’s packet. Judge Smyth came to him in regards to what was currently being used to summons people. Mr. Jones presented a new form to the council. This form can be issued to the person without posting bond and would only be used in certain circumstances. Ordinances that will be affected are: Junked Automobiles, Real Property Nuisances, and Loudspeakers and Sound Devices-Prohibited. To use this form you have to have a schedule of fines that go along with it. After some discussion, Councilwoman Smyth made a motion to approve the use of the new form ARJA-20 Uniform Nontraffic Citation and Complaint. Councilman Billings seconded the motion and all was in favor.

The mayor presented the council with the amended ordinances with the schedule of fines. Councilman Smith made a motion for immediate consideration of the amended Ordinance No. 1901, Ordinance No.1902 and Ordinance No. 1903. Councilman Johnson seconded the motion and was unanimously approved. Councilman Smith made a motion to adopt Ordinance No. 1901 Junked Automobiles. Councilman Johnson seconded the motion and all was in favor. The Ordinance is as follows:

**ORDINANCE NO. 1901**

This ordinance amends Chapter 9, Article IV, Section 9-4-8 of the Ordinances of The City of Luverne, Alabama.

Be it ordained by the City Council of The City of Luverne, Alabama, that Chapter 9, Article IV, Section 9-4-8, is hereby amended as follows:

**SEC. 9-4-8- JUNKED AUTOMOBILES**

Any person, firm, or corporation required by the provisions hereof to remove any aforesaid vehicle who shall fail to do so shall be guilty of a misdemeanor and shall be punished as follows:

1. First Offense - a fine of $100.00.
2. Second Offense (within a calendar year) - a fine of $200.00.
3. Third Offense (within a calendar year) – a fine of $300.00.
4. Fourth or any subsequent Offense (within a calendar year) – a fine of $500.00.

Approved and adopted this 25th day of March, 2019.

Councilman Billings made a motion to adopt Ordinance No. 1902 Real Property Nuisances. Councilwoman Smyth seconded the motion and the vote was unanimously approved. The ordinance is as follows:

**ORDINANCE NO. 1902**

This ordinance amends Chapter 9, Article VII, Section 9-7-5 of the Ordinances of The City of Luverne, Alabama.

Be it ordained by the City Council of The City of Luverne, Alabama, that Chapter 9, Article VII, Section 9-7-5, is hereby amended as follows:

**SEC. 9-7-5 – FINES AND PUNISHMENTS**

Any person, firm, or corporation who is found to be in willful violation of this section or fails to abate the nuisance within 10 days after written notice by the City Clerk, Chief of Police, or any police officer of the City of Luverne, shall be guilty of a misdemeanor and shall be punished as follows:

1. First Offense (within a calendar year) – a fine of $200.00 and in the discretion of the Municipal Judge of the City of Luverne, incarceration for a period not to exceed 6 months.
2. Second Offense (within a calendar year) - a fine of $400.00 and in the discretion of the Municipal Judge of the City of Luverne, incarceration for a period not to exceed 6 months.
3. Third Offense (within a calendar year) – a fine of $600.00 and in the discretion of the Municipal Judge of the City of Luverne, incarceration for a period not to exceed 6 months.
4. Fourth or any subsequent Offense (within a calendar year) – a fine of $1,000.00 and in the discretion of the Municipal Judge of the City of Luverne, incarceration for a period not to exceed 6 months.

Approved and adopted this 25th day of March, 2019.

Councilwoman Kathy Smyth made a motion to adopt Ordinance No. 1903 Loudspeakers and Sound Devices-Prohibited. Councilman Johnson seconded the motion and the vote was unanimously approved. The ordinance is as follows:

**ORDINANCE NO. 1903**

This ordinance amends Chapter 13, Section 13-1-17 of the Ordinances of The City of Luverne, Alabama.

Be it ordained by the City Council of The City of Luverne, Alabama, that Chapter 13, Section 13-1-17, is hereby amended as follows:

**SEC. 13-1-17- LOUDSPEAKERS AND SOUND DEVICES- PROHIBITED**

Except as permitted in accordance with the provisions of section 10-14, it shall be unlawful for any person, either as principal, agent or employee, to play, use or operate on any premises or on any automobile, motor truck or other motor vehicle, any radio device, mechanical device, sound truck, loudspeaker, sound amplifier, or any device of any kind whereby the sound therefrom is cast directly upon the public streets, alleys, or other public places in the City or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or other public place or of persons in neighboring premises, and such device emits loud and raucous noises.

Any person, firm, or corporation who is found to be in willful violation of this section shall be guilty of a misdemeanor and shall be punished as follows:

1. First Offense - a fine of $50.00.
2. Second Offense (within a calendar year) - a fine of $100.00.
3. Third Offense (within a calendar year) – a fine of $150.00.
4. Fourth or any subsequent Offense (within a calendar year) – a fine of $250.00.

Approved and adopted this 25th day of March, 2019.

Councilwoman Smyth stated April 6th is the Spring Fling that will be held downtown by Ms. Sherry Prevett.

Mike Jones discussed an article that is in this month’s municipal magazine on vicious dogs. It’s there model ordinance with pretty good information that the council might want to read. The mayor asked Mr. Jones to go over it and make a recommendation to the council at the next council meeting.

Councilman Billings made a motion to adjourn the meeting. Councilman Smith seconded the motion.

Meeting was adjourned.