

The Wilsonville Town Council met in regular session, Monday, March 24, 2014, in the Council Chamber Room at the Wilsonville Town Hall. Mayor Lee McCarty called the meeting to order at 6:00 P. M.

The meeting opened with prayer by Kevin Morris.

The following council members answered roll call: Don Davis, Patricia Johnson, Ricky Morris, Alan Revis. Dennis Blackerby, Calvin Gill, and Terry Newman were not present.

The minutes of the March 03, 2014, regular council meeting (mailed to the council members prior to the meeting) were reviewed. Don Davis made a motion to accept the minutes, as presented; Patricia Johnson seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Mayor McCarty announced we have a candidate for United States Congress from Wilsonville, Tom Vigneulle. At 6:06 P. M., Mr. Vigneulle and his wife, Ginger, arrived. Mr. Vigneulle addressed the assembly, asking for support in the coming election. He is a small business owner who wants to make a difference in government. He stated he has four values: the constitution; life; limited government; personal responsibility.

The mayor recognized two groups who have performed volunteer hours in 2013 through the RSVP (Retired and Senior Volunteer Program) as follows: Wilsonville Civitan Club had eleven volunteers, who had nine-hundred-sixty-four hours; Wilsonville United Methodist Church had twenty-two volunteers, who had seven-thousand-seventy hours.

Checks were inspected by the council members just before the meeting began. Don Davis made a motion to approve the checks for mailing; Ricky Morris seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

The issue of animal control was addressed. Patricia Johnson stated there will be a Vaccine Clinic held April 19, 2014, at Oak Meadow Park, from 9:00 A. M. until 11:00 A. M. This is a joint effort of the Town and the Shelby County Humane Society. Low cost vaccinations will be offered, free ID tags for pets, and scheduling opportunities for low cost or no cost spay/neuter surgeries. This is to promote responsible pet ownership in our Town. There is a feline vaccine package and a canine vaccine package offered; if the owner brings a copy of a Wilsonville utility bill, there is a \$10.00 discount. Alan Revis made a motion the Town pay the \$10.00 for the customer discount; Ricky Morris seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Mayor McCarty presented Ordinance Number 140324 and read it to the assembly as follows:

#### ORDINANCE NUMBER 140324

##### DEFINITIONS AS USED IN THIS ORDINANCE

DOG shall mean all members of the canine family three (3) or more months of age.

ANIMAL CONTROL OFFICER shall mean those one or more individuals appointed by the Town as animal control officers and charged with the responsibility of administering and enforcing this ordinance. This

shall include persons appointed indirectly by way of contract with an outside provider of animal control services, and such outside provider may be a public or private entity.

CITY POUND of RABIES CONTROL CENTER shall mean the place or places so designated by the Town, or by the Shelby County Commission, or such other person, firm, corporation, organization, or agency with whom the Town of the County may contract for the maintenance or operation of said city pound(s) whether such city pound(s) are located within the limits of the Town or elsewhere in Shelby County, Alabama.

“RUN AT LARGE” shall include all times and places when the dog is not confined, restrained, or enclosed within a wall or fence (which may include an electrified invisible fence or barrier), or other enclosure on the premises of the owner or person in charge in such manner as to effectively prevent a dog’s escape, or is not attached to a leash in the hands of said owner or person in charge.

SECTION 1 It shall be unlawful for any person to possess, keep, or harbor in the Town (or the police jurisdiction thereof) any dog which has not been vaccinated as provided in Section 2 of this ordinance within the preceding twelve (12) months.

SECTION 2 In order to be sufficient under this article, vaccination shall be accomplished by a veterinarian duly licensed as such by the state board duly authorized therefor, or shall be accomplished by a rabies inspector or deputy rabies inspector appointed pursuant to the Cod of Alabama (1975) Section 3-7-10 as amended by Act Number 701 of the 1975 Alabama State Legislature. Such vaccination shall be evidenced by a tag attached to such dog showing that such dog has been vaccinated for rabies as required by the laws of the state within the preceding twelve (12) months.

SECTION 3 It shall be unlawful for the owner or person in charge of a dog to cause or permit such dog to run at large, or to be upon a street, sidewalk, thoroughfare, property other than that of the owner of the dog, or public place within the Town or its police jurisdiction, unless such dog is attached to a leash in the hands of said owner or person in charge of said dog.

SECTION 4 Any dog found running at large in the town or its police jurisdiction may be impounded in the shelter designated as a rabies control center or city or county pound, and there confined humanely for a period of not less than seven (7) overnights, and thereafter be disposed of in a humane manner if not claimed by its owner. After the aforementioned legal detention period has expired, and the impounded dog has not been claimed by its owner, the supervisor and duly authorized employees of the rabies control center or the city or county pound may transfer title to, and give ownership of, any dog confined beyond the legal detention period to any person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this ordinance.

SECTION 5 The owner of a dog so impounded shall be entitled to resume possession of said dog upon the payment of all impoundment and boarding fees, and the costs of all vaccinations and identification as deemed appropriate by the supervisor of the rabies control center or city or county pound.

SECTION 6 The owner of an impounded dog who has not resumed possession of said dog during the legal detention period forfeits all ownership rights to such dog. After the legal detention period has expired, the dog may be humanely destroyed, or disposed of in the manner described in Section 4.

SECTION 7 Animal Control Officers are specifically authorized, when necessary, to enter private property in order to enforce this Town ordinance, whether such private property should belong to the offending dog's suspected owner, or any other private property to which the offending dog may be located. It shall be unlawful for any person to interfere with, hinder, molest, prevent, or harass any animal control officer while in the performance of any of the duties associated with the enforcement of this ordinance.

PASSED AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Mayor: E. L. McCarty, III

\_\_\_\_\_  
Attest: Town Clerk: Kay M. Ray

The mayor asked Deputy Patrick Bloom if he saw any problems with the ordinance, as read. He did not.

Patricia Johnson made a motion to adopt Ordinance 140324, as presented. Don Davis seconded the motion which passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Diane Dill asked if the people would have to vote on the ordinance. They will not. The mayor stated there will be a public meeting to discuss the ordinance prior to the enforcement date.

The mayor read a proposed contract for dog control services to be presented to Shelby County, for review and possible revision, as follows:

#### CONTRACT FOR DOG CONTROL SERVICES

STATE OF ALABAMA, SHELBY COUNTY

This contract, entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2014, is by and between Shelby County, Alabama (hereinafter referred to as "County") and the Town of Wilsonville, Shelby County, Alabama, a municipal corporation, (hereinafter referred to as "Town").

Whereas Town has promulgated a need for more extensive dog control services, and Has (or will have passed by the effective date of this contract for services) an ordinance designed to enhance County's ability to enforce its dog control responsibilities within the Town's municipal limits and police jurisdiction; and

Whereas Town has specifically authorized by this contract, that County and its agents have jurisdiction within Town's limits and police jurisdiction to enforce Town's ordinance, even

where measures of enforcement exceed County's prior and normal operating procedures; and

Whereas County, through its Department of Development Services and its Animal Control, has the resources, personnel, equipment, and expertise beyond that of Town to accomplish ordinance enforcement; and

Whereas, Town agrees to reimburse County for County's costs associated with enhanced dog control within Town's limits and police jurisdiction;

So be it now resolved that in consideration of the aforementioned premises, County and Town do agree, covenant, and contract in the manner stated below.

ITEM 1 County agrees to provide one day (a normal non-overtime shift) of exclusive Town dog ordinance enforcement each month of contract. County will provide all appropriate personnel and equipment needed for dog control ordinance enforcement, and detained dogs will be transported to the rabies control or city or county pound as is the normal operating procedure of County.

ITEM 2 County agrees to allow Mayor of Town to request additional days, if and when he may deem it necessary or desirable, of dog control ordinance enforcement, and if available, County, at its discretion, may grant his request.

ITEM 3 County agrees to allow its designated rabies control center or city or county pound to require that owners of detained dogs who wish to reacquire possession of said dog pay to said facility the published and normal costs associated with the processing, vaccination boarding, detention, etc. of dog.

ITEM 4 In the event that no owner reacquires possession of a detained dog, Town agrees to reimburse County's designated rabies control center or city or county pound amounts equal to what an owner would have paid had he reacquired possession of his detained dog seven (7) overnights after said dog's detention. Town agrees that the published costs of detention, boarding, vaccination, etc. may increase periodically, and Town agrees to pay the published rate.

ITEM 5 Town agrees to reimburse County for its costs associated with the operation of equipment, the employment of personnel, and other items reasonably associated with the enforcement of Town's dog ordinance, calculated by County to reasonable approximate an average day of costs for these services to County. Town agrees that County's costs may periodically increase, and that County may increase its required reimbursement rate every fiscal year if necessary. Daily costs paid by Town to County during the first term of this contract shall be \_\_\_\_\_.

ITEM 6 The term of this contract shall normally be from October 1<sup>st</sup> through September 30<sup>th</sup> of each year to coincide with both County's and Town's fiscal calendars. Either party may decline to renew said contract with ninety (90) days written notice, without prejudice. The first term of this contract shall commence from an agreed upon inception date (stated clearly elsewhere in this agreement) through September 30<sup>th</sup>, 2015.

ITEM 7 All parties to this agreement acknowledge that this arrangement is novel and new, and that good faith additional agreements or changes to this agreement may become necessary due to unforeseen occurrences or consequences. Furthermore, all parties agree and acknowledge that no Town or County fines will be collected; all monies paid by dog owners or Town are applied to actual costs.

The signatures below signify agreement and compliance by authorized officials.

ON BEHALF OF SHELBY COUNTY, ALABAMA:

Signature:  
Printed Name:  
Position:  
Signature:  
Printed Name:  
Position:

ON BEHALF OF THE TOWN OF WILSONVILLE, SHELBY COUNTY, ALABAMA

Signature:  
Printed Name:  
Position:

WITNESS: WITNESS:

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

Mayor McCarty will meet with county officials to propose the above contract.

The mayor stated bids should be let for the work on Highway 25, May 30, 2014. The traffic light will be the responsibility of the Town. There are still some drainage issues to be addressed. Mayor McCarty will ask if an arrowed signal will be installed. Council members received a copy of Resolution 140324 – 1 and Resolution 140324 – 2 in their information packets. These resolutions need to be approved tonight, and he will hand deliver them Thursday.

Ricky Morris made a motion to adopt Resolution 140324 – 1; Patricia Johnson seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

The town clerk read the resolution to the assembly as follows:

RESOLUTION 140324 – 1

WHEREAS, the Town of Wilsonville, Alabama (hereinafter at times referred to as Town) is desirous of having certain improvements made on State Route 25 within the Town Limits of Wilsonville, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: STPBH-0025(507) Widening and Re-Surfacing of SR-25 at the Intersection of CR-61 to 183.25 Feet North of Hillside Drive in the Town of Wilsonville.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid of improvement of said highway; and

WHEREAS, the Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the Town will agree to certain requirements of the Federal Highway Administration. The Town for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Town Council of Wilsonville that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this Town and which are now on file in the office of the Town Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The Town by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The Town hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

Temporary Road Closure to Thru Traffic	Detour Plan – SR-25	(Sheet 26A)
Please refer to: Project Notes		(Sheet 2F)
Please refer to: Traffic Signal Plan Notes		(Sheet 2G)
Please refer to: Traffic Control Plan Notes		(Sheet 2H)
Please refer to: Traffic Control Plan and Sequence of Construction		(Sheets 15 to 26A)

BE IT FURTHER RESOLVED by the Town Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the Town over said project, such Town hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the Town will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and

those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The Town further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the Town further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this Town Council:

1. That the Town agrees to perform all maintenance on crossroads, service drives or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the Town.
2. That the Town agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the Town has the option of vacating same.
3. That the Town agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the Town agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

Resolution 140324 – 2 was read as follows:

RESOLUTION NUMBER 140324 – 2

BE IT RESOLVED, by the Town Council of Wilsonville, Alabama, that the Town enter into an agreement with the State of Alabama acting by and through the Alabama Department of Transportation for:

The Installation and/or Maintenance of Traffic Control Signals and /or Street Lighting for:

Project Number: STPBH-0025(507)

Widening, Resurfacing of SR-25 at CR-61 to 183.25 Feet North of Hillside Drive  
in the Town of Wilsonville

which agreement is before this Council, and that the agreement be executed in the name of the Town, by the Mayor for and in behalf and that it be attested by the Town Clerk and the seal of the Town be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the Town Clerk.

Adopted and approved this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

ATTESTED  
(SEAL)

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

Alan Revis made a motion to adopt Resolution Number 140324 -2; Patricia Johnson seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

The mayor asked the date of the first council meeting in May be changed from Monday, May 5<sup>th</sup> to Tuesday, May 6<sup>th</sup>. He will be out of town on May 5<sup>th</sup> on a town related trip. Don Davis made a motion to change the first May meeting to Tuesday, May 6<sup>th</sup>; Ricky Morris seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Mayor McCarty reported the grant writer called last Thursday to report it appears the Town will be receiving at least fifty per cent principal forgiveness on the ADEM loan and possibly more. The public hearing on the ADEM loan will be Monday, April 21 at 6:00 P. M.

The Alabama Secretary of State's office will have a representative at Town Hall, Monday, April 21, from 1:00 to 4:30 P. M., to make picture ID's for voters who do not already have one (driver's license).

Mayor McCarty and Roger Perry met with Shelby County officials to determine which entity is responsible for streets and roads in the Town. There are still a couple of streets that are questionable. There is a map available for public inspection. The county has been asked to give top priority to resurfacing Brothers Avenue as soon as possible.

Upgrading the internet service in the library was next on the agenda. The upgrade will be done through Harrison Regional Library and the Shelby County IT Department. There will be a slight increase in cost; however, this will provide wi-fi service and will have all filters required by the library system. Patricia Johnson made a motion to authorize proceeding with the upgrade; Don Davis seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.



Cemetery issues were addressed. Don Davis reported there are two large trees in the cemetery which have mistletoe growing in them. Mistletoe will eventually kill trees. These trees are quite large and if they die and fall could injure someone or property (tombstones, a nearby house). Prices will be obtained for removal of the trees, and the issue will be on the April 7 agenda.

Councilman Davis pointed out garbage pick-up is not being done uniformly. Some customers are being picked up by town employees due to narrow streets. Others living on such streets are asked to move their cans to a suitable location for pick up by WastePro. In the case of disability or temporary situations such as recent surgery, if proper notification is given, certainly, exceptions can be made. Letters will be sent to the customers being serviced by town employees to move their cans to a pick-up point from now on.

The “jake brake” issue was addressed by Councilman Davis. He suggested we have signs made saying, “Please – No Jake Brakes – Thank You”. Mayor McCarty pointed out permission would have to be obtained from the Alabama Department of Transportation to place any signage on Highway 25.

The mayor asked Mike Griffin to report on a recent public meeting in Vincent addressing concerns about the White Rock Quarry discharging water into the river. Mr. Griffin and Roger Perry attended the meeting at the request of the mayor. Mr. Griffin stated White Rock has obtained permits from ADEM for operation, meeting all their requirements; therefore, he does not believe there is any issue with the river. He believes the only thing Wilsonville might see from this is an increase in traffic, at the least.

Kevin Morris, representing the Dizzy Dean Baseball League, addressed the council. The Wilsonville Civitan Club has been paying the umpires from concession stand monies but now want the League to pay them. The League is a non-profit organization and does not have the funds to do this. He requested the Town pay the umpires fees (\$2,960.00 this year) up front and be reimbursed as much as their funds would allow at the end of the baseball season. There are forty-one games scheduled in Wilsonville this season. Alan Revis, a Civitan member, stated there is not enough money from the concession stand to pay the umpires. He stated if there is only one game scheduled at the fields, the umpires are paid time and a half and not enough concessions are sold to cover that. Mayor McCarty stated he did not believe the Town could honor the request legally.

Fire Chief Davy Edwards has requested the Fire Department be authorized to bid on a used fire truck another department is selling. The truck is an older model but has a lot of expensive equipment on it our department could use. The bid would be no more than \$8,000.00, but the bids have to be in by April 7, so a decision would need to be made tonight.

Patricia Johnson made a motion to suspend the rules so this issue can be considered tonight; Ricky Morris seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Don Davis made a motion to authorize the fire chief to bid of the fire truck for no more than \$8,000.00; Patricia Johnson seconded. The motion passed with the following vote: Don Davis, yes; Patricia Johnson, yes; Ricky Morris, yes; Alan Revis, yes; Lee McCarty, yes.

Council Agenda – There were no requests.

Council Comment

Ricky Morris stated a group from APSCO, Alabama Power employees, will be working at the Wilsonville Elementary School, Saturday, March 29, 7:00 A. M., painting hand rails and generally sprucing up. They would welcome any other interested people to participate.

Public Comment

Jane Johnson asked if something could be done now about the dog situation. Her father-in-law has issues with dogs in his neighborhood. Bill Johnson stated his grandfather cannot even come out of his house because of this situation. Mayor McCarty said the county is obligated, by law, to provide animal control services for municipalities with a population under five-thousand, and he is working to get that established. Unfortunately, these things take time. Councilwoman Johnson said we are very close to a solution.

Larry Lowe asked if voice control of an animal counted as control in the ordinance. The mayor's answer was no.

There being no further business to come before the council, Don Davis made a motion to adjourn the meeting. Patricia Johnson seconded. The motion passed unanimously.

The meeting was adjourned at 8:23 P. M.

\_\_\_\_\_  
E. L. McCarty, III, Mayor

\_\_\_\_\_  
Attest