

The Wilsonville Town Council met in regular session, Tuesday, May 07, 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 was opened with prayer by Justin Smith.

The following council members answered roll call: Dennis Blackerby, Don Davis, Calvin Gill, Patricia Johnson, Ricky Morris, Terry Newman, Alan Revis.

The minutes of the April 21, 2014, regular council meeting (mailed to council members prior to the meeting) were reviewed. Don Davis made a motion to approve the minutes, as presented; Calvin Gill seconded. The motion passed with the following vote: Dennis Balckerby, yes; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, yes; Alan Revis, yes.

The treasurer's report for April, 2014, was presented by Councilman Don Davis as follows:

General Fund	Total Income	\$45,566.17
	Total Expense	\$34,109.02
	Net Income	\$11,457.15
	Total Liquid Assets	\$1,230,338.63
Water Works	Total Income	\$36,451.70
	Total Expense	\$41,281.82
	Net Loss	(\$ 4,830.12)
	Total Liquid Assets	\$322,201.75

Checks were examined by the council members immediately preceding the meeting. Alan Revis made a motion to mail the checks; Ricky Morris seconded. The motion passed with the following vote: Dennis Blackerby, yes; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, yes; Alan Revis, yes.

Announcements by the mayor

Kay Ray, town clerk, has been nominated for Clerk of the Year by the Shelby County Clerk's Association. She will be going to the conference in Opelika in June where the winner will be announced.

The mayor has just returned from the Alabama League of Municipalities Convention in Mobile. Next year, the convention will be held in Tuscaloosa, and he hopes more of the elected officials will attend. There is a lot of valuable information to be learned at the convention, and since it will be in a more convenient location, he encourages council members to attend.

Fed Ex delivered a package from Sain Associates containing the final plans for the Highway 25 project today. The bid letting is now scheduled for July. Lee is meeting, on a regular basis, with ALDOT concerning the project.

The council needs to be thinking about the God and Country Celebration for 2014. Lee asked Terry Newman to contact the peach provider again. This is a healthy alternative to cookies or cakes for dessert for the event.

PUBLIC HEARING – ANIMAL CONTROL ISSUES

Mayor McCarty opened the hearing by stating there is a dog problem in Wilsonville, and it is only getting worse as time goes by. Animal control was the hot topic at the League convention; Wilsonville is not alone on this issue. The mayor has met with Shelby County officials and offered a proposed contract wherein the Town would pay the county for services; however, they have declined. Counties (not just Shelby County) are refusing to offer any help to municipalities to alleviate the problem, although the Code of Alabama states counties must provide such services to municipalities under 5,000 in population. The Wilsonville Town Council has adopted an unofficial ordinance at the March 24, 2014, meeting, which will need to be amended by adding an effective date and a means of enforcement. He proposes hiring an individual a few hours a month to handle the problem. Ideally, neighbors should be able to resolve these issues, but this is not working. Any action must have council approval.

Forty-one people were in attendance for the hearing.

The following comments were offered:

Joyce Saxon – Has no complaints but stated children need protection.

Carolyn Cohill – Dogs pass through her property all the time but with no problems.

George Adair – In four years, there have been twenty-five reports filed about loose dogs in his neighborhood. The neighbors are now in the process of taking legal action against the offenders. There are two houses in his neighborhood he considers puppy mills, one of which has had as many as fifteen dogs at one time. He thinks the town should be able to limit the number of dogs an individual may own unless they are licensed to operate a kennel or are dog breeders. Someone should have the authority to inspect to see if animals are being properly cared for. The mayor stated the town has no authority to do some of these things since individuals have rights, and town officials have restrictions on entering private property.

Richard Atchison – Wilsonville is still a rural town with a mixture of subdivisions as well as rural areas which are two totally different scenarios. This needs to be taken into consideration.

Karen Roosevelt – She lives on Air Park Drive where all the dogs roam the entire neighborhood, and they all like it that way. This is a large acreage area and there are no problems. The mayor stated it is impossible to pass an ordinance which distinguishes between different areas; however, the areas of concern are those from which we have received complaints. The animal control officer will be concentrating on problem areas and will not be riding around the whole town limits rounding up dogs.

? – Gentleman expressed thanks for the low cost vaccination event. He doesn't think the proposed regulations are overreaching. Dogs in his area chase children walking or on bikes as well as vehicles. Dog owners should take responsibility for their animals. The mayor stated this is not as much a legal issue as an education issue or a neighborhood issue.

Yvonne Raia – She has been dealing with animals not cared for with one owner having as many as eighteen dogs at one time. The animals have fleas, mange, etc. The odor from this property as well as the constant barking make it impossible for her to sit outside on her own property. A child from the residence has been in her home, covered with flea bites. Dennis Blackerby asked if she has sworn out warrants for the offenders or contacted DHR officials about the child. She has filed reports but not warrants. She also stated the animal control officer needs to be on duty more than once a month. The mayor stated, in the beginning, there will be more hours. As time goes by and animals are picked up, it is hoped the hours can be scaled back.

?—A lady stated, in her Lokey Lane neighborhood, the dogs go back and forth among the houses. She, herself, has two dogs. In her opinion, everyone is happy with the arrangement.

Clayton Thurman – He has been frightened by dogs in the Homestead neighborhood. He also does not like dogs using his yard for a bathroom.

Jeremy Duke – He has seven acres and several dogs, all but two of which are in a pen. Will chaining a dog be addressed in any way?

Mary Gill – She bears the scars from a Rottweiler attack in her Mitchell Subdivision neighborhood.

Fred Hanvey – Stated in the Homestead neighborhood, the dogs run in packs and have killed animals and bothered people. When dogs get in a pack situation, they are more aggressive. He thinks restrictions are a good thing.

Shirley Hanvey – The ordinance is a good thing. It is needed.

Larry Lowe – He has problems since moving here. Restrictions are needed; action is needed. Responsibility cannot be forced on people. Something needs to be done now.

Sue Whitfield – Her opinion is split down the middle. She had a cat that was killed by a roaming dog. She now has a dog but built a fence for it. She feels everyone needs to support the people who are having problems.

Mike Griffin – He supports the ordinance.

Donna Baker – She supports the ordinance. She has had a dog killed on her property and now has a fence. Roaming dogs damage her yard.

Howard Tucker – Stated he does not want people coming on his property in pursuit of animals. His property is his.

Terry Bell – Addressed the issue of the child covered in flea bites. DHR need to be notified about this situation. If a child is in danger, do something.

Diane Dill – She feels the regulations are for the safety of dogs as well as people.

Council members commented as follows:

Dennis Blackerby – When animal issues arise, the deputy should be notified or the sheriff’s office called. Everyone should be aware of their neighborhoods and report anything out of the ordinary. That is what the deputy and sheriff’s office is there for.

Patricia Johnson – The council has a responsibility to all the citizens. If we can get the ordinance in place, we can start small and move on.

Ricky Morris – Common sense needs to be used. Known problem areas need to be addressed first. This will not be a go door to door rounding up dogs scenario.

Terry Newman – Laws cannot be selectively enforced. There is no “fit all” law. If there is no fine involved, how will the ordinance be enforced. The mayor stated the enforcement comes when the owner of the captured dog has to pay to get the dog back (boarding fees, vaccination fees, etc.).

Alan Revis – Stated he has been a pet owner for years with some of the pets being inherited and they ran in the neighborhood. He did have a dog which injured someone, after which it was kept put up.

Councilman Blackerby asked if the animal control issue could be tables until the next meeting and county officials invited attend to address their responsibility in the matter.

Patricia Johnson made a motion to adopt ordinance number 140324 amending the definition of “Run at Large” (bold print below) and adding an effective date of May 19, 2014. Don Davis seconded. The ordinance reads 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 or 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 or 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 a 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. **A dog will be presumed to be confined unless and until said dog is observed entering or leaving public property or entering multiple private properties of reasonably distinguishable boundaries.**

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 Code 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 on 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.

Section 8 This ordinance shall become effective on May 19, 2014.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2014.

E. L. McCarty, III, Mayor

Attest: Town Clerk

Councilman Blackerby, once again, stated the need to have a public meeting with county officials.

The following vote was cast for the passage of Ordinance Number 140324: Dennis Blackerby, no; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, no; Alan Revis, yes.

Don Davis made a motion to authorize the mayor to purchase minimal equipment (gloves, stick, etc.) and to contract with an individual for animal control services for the remainder of this fiscal year; Patricia Johnson seconded. The motion passed with the following vote: Dennis Blackerby, no; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, no; Alan Revis, yes.

Mayor McCarty asked the council to approve the appointment of Nancy Fluker to the Cemetery Committee to fill the unexpired term of Norma Newman who resigned from the committee. Her term will expire January 1, 2015. Ricky Morris made a motion to appoint Mrs. Fluker to the Cemetery Committee; Don Davis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, yes; Alan Revis, yes.

The mayor asked the council to approve the appointment of Pete Gage to the Planning and Zoning Board, replacing Scotty Morris whose term expired in 2013. Mr. Gage's term will expire January 1, 2019. Patricia Johnson made a motion to appoint Pete Gage to the Planning and Zoning Board; Don Davis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, yes; Alan Revis, yes.

Kay Ray, Town Clerk, asked the council to approve the fiscal year 2013 audit. Audit reports were given to council members to examine, but approval of the report was never put on the agenda. Alan Revis made a motion to approve the audit report; Ricky Morris seconded. The motion passed with the following vote: Dennis Blackerby, yes; Don Davis, yes; Calvin Gill, yes; Patricia Johnson, yes; Ricky Morris, yes; Terry Newman, yes; Alan Revis, yes.

Council Agenda

Don Davis asked buying and selling of Bob Cat equipment be included.

Council Comment

Patricia Johnson commended the Wilsonville Beautification Board for their work in updating the planters at the Highway 25 entrance to the cemetery.

Patricia Johnson asked why the highway construction signs remain on South Main Street at the intersection. Kay Ray reported she called the Shelby County Highway Department concerning this matter and was told the signs must remain up until final inspection is done.

Public Comment

Larry Lowe thanked the council for the much needed action on the animal control issue.

Joyce Saxon asked about any regulations prohibiting roosters in the town limits.

There being no further business to come before the council, Don Davis made a motion to adjourn; Calvin Gill seconded. The motion was unanimously approved.

The meeting was adjourned at 8:13 P. M.

E. L. McCarty, III, Mayor

Attest