

The Wilsonville Town Council met Monday, February 06, 2017, in the Council Chamber Room at the Wilsonville Town Hall. The meeting was called to order by Mayor Lee McCarty at 6:30 P. M.

The meeting was opened with prayer by Councilman Blake Ray.

The following council members answered roll call: Richard Atchison, Larry Cohill, Gordon Fluker, Ivan Greene, Ricky Morris, Blake Ray, Melissa Rosetta.

The minutes of the January 23, 2017 meeting (mailed to the council members before this meeting) were reviewed. Larry Cohill made a motion to approve the minutes, as presented. Ricky Morris seconded, and the motion passed with the following vote: Richard Atchison, yes; Larry Cohill, yes; Gordon Fluker, yes; Ivan Greene, yes; Ricky Morris, yes; Blake Ray, yes; Melissa Rosetta, yes.

Councilman Fluker presented the January Treasurer's Report as follows:

GENERAL FUND	Total Income	\$89,417.51
	Total Expense	\$59,838.32
	Net Income	\$29,579.19
	Total Liquid Assets	\$1,310,229.14
WATER WORKS	Total Income	\$46,036.10
	Total Expense	\$47,970.78
	Net Loss	(\$ 1,934.68)
	Total Liquid Assets	\$295,596.41

Checks, which were examined by the council members immediately prior to the meeting, were discussed. Richard Atchison asked about the expense for cleaning the water features at Central Park which he considered excessive. Could this not be done in house in the future? Chlorine needs to be added to keep the water features cleaner. Richard Atchison made a motion to mail the checks; Melissa Rosetta seconded. The motion passed with the following vote: Richard Atchison, yes; Larry Cohill, yes; Gordon Fluker, yes; Ivan Greene, yes; Ricky Morris, yes; Blake Ray, yes; Melissa Rosetta, yes.

Mayoral Announcements

There were some complaints after the last meeting about audience conversations coming through on the face book live feed. Lee requested conversation not go on during the business meeting.

Sidewalk construction could not begin when originally scheduled due to the weather. Construction should begin Thursday, February 9, weather permitting. The contractor has ninety days to complete the project and must pay \$600.00 per day if he goes over that time frame.

The mayor has a resolution from ALDOT, which the council needs to adopt, concerning replacing the narrow bridge on Alabama Highway 25. The former council approved the expenditure for the project. Councilman Fluker asked what the total expense for the Town is. It is \$500,000.00. The mayor will meet with Governor Bentley, Wednesday, February 15, and is going with his hand out for help with this

expense. Councilman Greene asked when this money will come due. The answer is sometime in FY2018. Melissa Rosetta asked who has committed to help with the expense. No one has committed yet. Councilman Ray asked if the resolution needs to be passed before a new county commissioner is appointed for our district. The mayor said it needs to be done as soon as possible. The resolution needs to be addressed while ALDOT is willing to work with the Town on this. Very few structurally sound but functionally obsolete bridges are replaced. Councilman Atchison said the price is excessive for such a small town. The mayor agreed. Councilman Fluker said the Town has already agreed to the project. Councilman Greene said he would be more comfortable if we knew support from other entities would be forthcoming. Councilman Morris said this is a put up or shut up situation. Councilman Cohill said this is an opportunity to make Highway 25 safer. The resolution reads as follows:

RESOLUTION NUMBER 170206

BE IT RESOLVED, by the Town Council of the Town of Wilsonville, Alabama as follows:

1. That the Town enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of transportation for:

Construction program for Project BR-0025 (), Project Reference Number 100066556 for a bridge replacement on SR-25 over Bulley Creek BIN #000769 in the Town of Wilsonville; which Agreement is before this Council.

2. That the Agreement be executed in the name of the Town, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the Town Clerk and the seal of the Town affixed hereto.

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.

Passed, adopted and approved this ____ day of _____, 20____.

ATTESTED:

Town Clerk

Mayor

I, the undersigned qualified and acting clerk of the Town of Wilsonville, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the Town Council of the Town named therein, at a regular meeting of such Council held on the ____ day of _____, 20____, and that such resolution is on file in the Town Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town on the _____ day of _____, 20____.

Town Clerk

Gordon Fluker made a motion to approve Resolution 170206, as presented; Larry Cohill seconded. The motion passed with the following vote: Richard Atchison, yes; Larry Cohill, yes; Gordon Fluker, yes; Ivan Greene, no; Ricky Morris, yes; Blake Ray, yes; Melissa Rosetta, no.

The mayor has a meeting February 15 in Montgomery with Governor Bentley, ALDOT officials, and others.

On March 08, the mayor will meet with Birmingham Regional Planning Commission.

We have had an incident with water meter tampering. The customer removed the new meter and put in an old one when his service was cut off for nonpayment. We will be prosecuting this case. Deputy Bloom has filed a report.

The annual safety meeting/banquet went well; the food was good. Thank you to the United Methodist Women.

The number of views for the last council meeting was four-hundred, down from six-hundred the first live streamed meeting.

The 2017 South Shelby Chamber of Commerce Magazine has one of our Central Park water features on the cover, a picture from the Central Park Dedication, and the usual article about the Town inside. This is good publicity for us!

The mayor participated in a video for the Wilsonville Elementary School which was done by the Shelby County Board of Education.

The updated ordinance concerning Abatement of Grass and Weeds was read by the Town Clerk as follows:

ORDINANCE NO. _____

ABATEMENT OF GRASS AND WEEDS

WHEREAS, § 11-47-140, Ala. Code 1975, provides that all cities and towns in the State of Alabama have the power to require weeds to be cut or other things or conditions favorable to the harboring of mosquitoes or other insects of like kind to be abated, or to do such work at the expense of the owner, the same to be a lien on the property to be collected as any other debts are collected or liens enforced; and

WHEREAS, § 11-47-117, Ala. Code 1975, provides that all cities and towns in the State of Alabama have the power to prevent injury or annoyances from anything dangerous or offensive or unwholesome, and to cause all nuisances to be abated and assess the cost of abating the same against the person creating or maintaining the same;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wilsonville, Alabama, as follows:

Section 1. Any abundance of overgrown grass or weeds within the town which is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness so as to constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height, is hereby declared to be a public nuisance and abated and punished as provided in this ordinance or as otherwise provided by law.

Section 2. (a) Whenever, in the opinion of three city employees designated by the mayor, one of whom shall serve as the enforcing official, a nuisance defined in Section 1 exists, the enforcing official shall order the owner of the property on which the nuisance is located to abate the condition.

(b) The enforcing official shall give the owner of the property on which the nuisance is located as listed on the property tax records written notice in person or by first class mail at the owner's address listed on the property tax records. The notice shall also be posted in a conspicuous place on the property. The notice shall apprise the owner of the facts of the alleged nuisance and shall require the owner to abate the nuisance within the time stated in the notice, which shall be no longer than 14 days from the delivery of the notice, or within five days of the delivery of the notice to request in writing a hearing before a hearing official of the town designated by the mayor or council to determine whether there is a nuisance. If the owner requests a hearing, the hearing official shall give the owner written notice in person or by first class mail at the owner's address listed on the property tax records of the particular date, time, and place for the hearing.

(c) The hearing official shall render a written decision as soon as possible after the hearing. The enforcing official shall notify the owner by personal service or by first class mail at the owner's address listed on the property tax records of the determination of the hearing official. If the hearing official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the enforcing official, with modifications as may be made by the hearing official.

Section 3. (a) If the owner fails, neglects, or refuses to abate the nuisance after notice to do so, the enforcing official shall cause the offending grass or weeds to be cut.

(b) Upon completion of the abatement work performed by the town, including work by contractors employed by the town, the enforcing official shall compute the actual expenses, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials purchased, which were incurred by the town as a result of the work. An itemized statement of the expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the town council to consider the assessment of the cost against property.

(c) At the time fixed for receiving and considering the statement of expenses, the town council shall hear the same, together with any objections which may be raised by the owner whose property is liable to be assessed for the work, and thereupon make modifications in the statement as they deem necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on the property. The town clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The town clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate.

Section 4. The failure to abate a nuisance in compliance with this ordinance is unlawful and is an offense against the Town of Wilsonville, Alabama, which may be prosecuted as are other offenses against the town. Such offense may be punished by a fine of not more than Five Hundred Dollars (\$500) for each offense. Each day the failure to abate continues shall be considered a separate and distinct offense.

Section 5. All ordinances or portions of ordinances in conflict with this ordinance, including those portions of Ordinance No. 050802 as are applicable to weed nuisances, are hereby repealed.

Section 6. This ordinance shall take effect immediately upon its passage and publication or posting as required by law.

ADOPTED this _____ day of _____, 2017.

ATTEST:

TOWN OF WILSONVILLE, ALABAMA

Town Clerk

Mayor

The updated ordinance concerning Remedy or Demolition of Unsafe Structures was read by the Town Clerk as follows:

ORDINANCE NO. _____

REMEDY OR DEMOLITION OF UNSAFE STRUCTURES

WHEREAS, the Town Council of the Town of Wilsonville, Alabama, has determined that it is expedient, convenient, and in the best interest of the health, safety, and welfare of the citizens of the town to have the provisions of Article 1, Chapter 53A, Title 11 of the Code of Ala. 1975, as amended, apply to the town;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wilsonville, Alabama, as follows:

Section 1. Pursuant to the police power granted in Article 1, Chapter 53A, Title 11 of the Code of Ala. 1975, as amended, the Town of Wilsonville may, after notice as provided herein, move or demolish buildings or structures, or parts of buildings or structures, party walls, or foundations when found to be unsafe to the extent of creating a public nuisance from any cause.

Section 2. There is hereby created the Wilsonville Housing Code Abatement Board consisting of five members who are residents of the town. The town council shall appoint the members to serve on the board for the term of the council, for a maximum of two consecutive terms in office. The board shall perform the duties delegated by this ordinance.

Section 3. Whenever the board finds that any building, structure, part of a building or structure, party wall, or foundation situated within the town is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes by personally serving a copy of the notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the building or structure, within a reasonable time set out in the notice to the person or legal entity to whom the property was assessed for ad valorem taxes, not more than 60 days following the notice. If the unsafe condition is not remedied within 60 days, the building or structure shall be demolished and removed by the town and the costs shall be assessed against the property. In the event that the personal service is returned "Not Found" after not less than two attempts, the notice may be given by registered or certified mail. The mailing of the notice by registered or certified mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this ordinance. Prior to the delivery or mailing, the notice or a copy of the notice shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

Section 4. Within the time specified in the notice, but not more than 60 days from the date notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the town council, together with any

objection to the finding by the board that the building or structure is unsafe to the extent of creating a public nuisance. The filing of the request shall delay any action on the finding of the board until a determination is made. A hearing shall be held not less than 10 nor more than 60 days after the request. At the hearing, or in the event no hearing is timely requested, after the expiration of 60 days from the date the notice is given, the town council shall determine whether or not the building or structure is unsafe to the extent that it creates a public nuisance. Notice of the meeting of the town council, and that a determination will be made at the meeting, shall be published one time in a newspaper of general circulation in the town, not less than ten days prior thereto. If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the town council shall order the building or structure to be demolished and removed 30 days following the determination. The town may actually perform or contract for the performance of the demolition and removal of the building or structure, and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.

Section 5. Any person aggrieved by the decision of the town council at the hearing may, within 30 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount approved by the circuit clerk. Upon filing the notice and bond, the clerk shall serve a copy of the notice of appeal on the town clerk. The appeal shall be docketed in the court as a preferred case. The town clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the town council. A trial shall then be held without a jury upon the determination of the town council.

Section 6. Upon demolition and removal of a building or structure, the board shall make a report to the town council of the cost. The town council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning any objection he or she may have to the fixing of the costs. The town clerk shall give not less than 15 days' notice of the meeting at which the fixing of the costs are to be considered by publication in a newspaper of general circulation in the town. The fixing of costs by the town council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid. The town clerk shall mail a certified copy of the resolution by registered or certified mail to the person last assessed for ad valorem taxes, and a certified copy of the resolution shall be published in the manner as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of Shelby County.

Section 7. The costs authorized herein may be assessed against any lot, lots, parcel, or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes. A subsequent redemption of the property by any person authorized to redeem, or a subsequent sale of the property by the State, shall not operate to discharge, or in any manner affect, the lien of the

town for the assessment. Any redemptioner or purchaser shall take the property subject to the assessment.

Section 8. Payment of the assessment, or if delinquent, the collection of the assessment, shall be made in the same manner as is provided for the payment and delinquent collection of municipal improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of Chapter 48 of Title 11 of the Code of Ala. 1975.

Section 9. Ordinance No. 050801 and all other ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section 10. This ordinance shall take effect immediately upon its passage and publication or posting as required by law.

ADOPTED this _____ day of _____, 2016.

ATTEST: TOWN OF WILSONVILLE, ALABAMA

Town Clerk

Mayor

Discussion followed the reading. The demolition of structures ordinance is longer and more involved because there is more expense involved in enforcement. Councilman Fluker asked who would determine whether or not a building is unsafe. The council received copies of the proposed ordinances, and the mayor asked them to look over them for discussion and consideration of passage at the next meeting, February 20.

Community Center was the next item on the agenda. Ivan Greene stated he has looked at centers in the area and has seen a wide variety of structures, everything from Quonset huts to elaborate buildings. He asked that this item be put on the agenda for the next meeting, February 20 since this meeting has been so long already.

Council Agenda – There was none.

Council Comment

Councilman Greene announced the Wilsonville Civitan Club will have James Spann as their speaker, Thursday, February 23, 7:00 P. M. This will also be the Cub Scout Blue/Gold Banquet. Everyone is invited; if you plan to eat, please bring a dish.

Melissa Rosetta recognized citizens, Lane and Sharon Ross, for their work picking up trash along Hebb Road.

Ricky Morris stated there is a lot of volunteer work in Wilsonville, and it is all appreciated. Thanks to all.

Public Comment

Mike Griffin suggested replacing the dead trees at Central Park with benches. The mayor stated he and Councilman Cohill are looking at some additions to both Central Park and Oak Meadow Park. This will be considered.

Barbara Lowe, representing the Fine Arts Club, asked if the Town would participate in Wreaths Across America project with the club. This is a program that provides wreaths, paid for by donations from individuals, for the graves of veterans in local, as well as national, cemeteries. There are three cemeteries in the Wilsonville area with at least one-hundred-forty-one veterans buried in them. A ceremony is required recognizing the seven branches of service. Mike Griffin asked what the cost of a wreath would be. It is \$15.00. The club would need a place to store the wreathes between delivery and placement in the cemeteries.

Larry Lowe asked about the status of the bucket truck. Nothing has been done to the truck yet.

There being no further business to come before the council, Richard Atchison made a motion to adjourn the meeting. Gordon Fluker seconded the motion, which received unanimous approval.

The meeting was adjourned at 8:08 P. M.

E. L. McCarty, III, Mayor

Attest

