

The Wilsonville Town Council met Monday, February 20, 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 Richard Atchison.

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 February 06, 2017, regular council meeting (mailed to the council members prior to this meeting) were reviewed. Ivan Greene made a motion to approve the minutes, as presented, and Larry Cohill 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.

Checks were examined by the council members immediately before the meeting. Gordon Fluker asked about a check to The Kelley Group, whether or not this expenditure will be reimbursed with grant money. Blake Ray made a motion to approve the checks for mailing; Richard Atchison 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.

Catherine Casey with Carr, Riggs, and Ingram presented the 2016 audit report. Ms. Casey provided copies of the report to the mayor and council members and went over it. We received a clear report with the usual recommendations concerning segregation of duties, invoice approval, and utility adjustments report approval.

Mayoral Announcements

The Shelby County Highway paving project and the sidewalk project have begun. The county will be installing five culverts on Hebb Road (Smith's Camp, Cove Road, Calma Lane, in front of Cook property, Kennedy Avenue) and then, paving will begin. Preparation work is being done for the sidewalk project. Mr. Saunders' fence will be moved as will three water meters. A gate will be installed at Oak Meadow Park near the parking lot entrance so pedestrians will not have to go through the parking lot to enter. There was discussion about whether we want chain link fencing along Hebb Road at the park or some other type of fencing. Councilman Fluker asked how much fencing is involved. There is between three-hundred and five-hundred feet. Councilman Atchison said the existing fence can be upgraded by putting heavier duty pipe on the top since that is the only part of the fence with a problem. This would be a cheaper option than replacing the entire fence. Councilmen Greene and Fluker agreed the upgrade would be better than replacement. The mayor said he would like to get more playground equipment (geared toward older children) and some checkerboard top tables and have all of this done at once. Councilman Ray asked about lighting for the sidewalk. This is not included in the grant. Roger Perry stated street lights, placed on existing poles, could be requested and installed.

The mayor reported law enforcement calls were down this past month. There were ninety-seven calls.

The Alabama League of Municipalities Annual Convention will be held in Birmingham this May. Meetings will be held Saturday through Tuesday. The mayor urged the council members to consider attending since it will be close to us. Registration can be done now.

Ordinance Number 170220 – 1, was presented for consideration as follows:

ORDINANCE NO. 170220 - 1

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

Gordon Fluker made a motion to adopt Ordinance Number 170220 – 1, as presented; Larry Cohill seconded the motion. The motion passed with the following vote: Richard Atchison, no; Larry Cohill, yes; Gordon Fluker, yes; Ivan Greene, yes; Ricky Morris, yes; Blake Ray, yes; Melissa Rosetta, yes.

Ordinance Number 170220 – 2 was presented for consideration as follows:

ORDINANCE NO. 170220 - 2

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 provide a method for identifying and remedying or demolishing unsafe structures;

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 the Code of Ala. 1975, as amended, including but not limited to §§ 6-5-122, 11-43-59, 11-47-117, and 11-53-2, 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 Unsafe Building Abatement Board consisting of five members who are residents of the town, nominated by the Mayor and appointed by the Town Council for staggered 5-year terms, with one member appointed for a term of 1, 2, 3, 4, and 5 years respectively. Notwithstanding the foregoing provision, one member of the Board may be the Mayor or a council member who shall serve for a term equal to his or her term of office. If the Mayor is not serving as a member of the Board, he or she may participate in Board proceedings as a non-voting ex officio member. 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 on the property by personally delivering 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 delivery is unsuccessful, 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. 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. Not less than 15 days notice of the meeting of the Town Council, and that a determination will be made at the meeting, shall be given to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes on the property 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. 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. 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. 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. Not less than 15 days notice of the meeting of the Town Council, and that fixing of the costs will be considered at the meeting, shall be given to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes on the property 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. 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 6. Ordinance No. 050801 and all other ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section 7. 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

This ordinance requires creating a five member board; any citizen of the Town may be appointed. One member may be an elected official; however, the mayor does not plan to appoint an elected official. He feels the more eyes that can view the situation, the better. Councilman Fluker agreed. The ordinance will be used for obvious violations and not minor issues which can be corrected. The mayor would like to have at least one member of the board with a background in building, some structural knowledge. Councilman Ray asked how long it will take to establish the board. That is not known at this time. Following this discussion, Ivan Greene made a motion to adopt Ordinance Number 170220 – 2, as presented. Gordon Fluker seconded, and the motion passed with the following vote: Richard Atchison, no; Larry Cohill, yes; Gordon Fluker, yes; Ivan Greene, yes; Ricky Morris, yes; Blake Ray, yes; Melissa Rosetta, yes.

Community Center was the next item on the agenda. Councilman Greene and Councilwoman Rosetta are still working on this issue. They have been visiting various centers; it may be several months before they are ready to present their findings to the council.

Sharon Ross addressed the issue of trash along the streets and roads of Wilsonville. She stated she wants to live in a clean town, a pretty town. She and her husband picked up trash on Hebb Road from Homestead to downtown. Some was trash and some recyclable. She stated there were five bags of just beer cans. Hebb Road and Highway 61 are county roads, and she asked if we could call the county to do trash removal. She asked who could call for this service, individuals or the Town. The mayor stated anyone can call and make the request. Mrs. Ross asked if the town could have an “adopt a mile” program. Gordon Fluker expressed his appreciation for what the Rosses do to help keep the Town clean. Mrs. Ross stated the Town definitely has a problem with litter.

Council Agenda

Ricky Morris asked about the possibility of replacing the Welcome to the Town of Wilsonville signs coming into town. Mayor McCarty is looking into getting a grant for that.

Council Comment

Councilman Ray looked into some of the USDA Rural Development/Community Development items presented at the last meeting. We do not qualify for anything he checked on.

Councilman Ray also said we now have a new county commissioner for our district. The mayor said he has tried unsuccessfully to contact the commissioner; he has not returned his calls.

Public Comment

Frances Phelps asked if the audit report is accessible to the public. It is a public record and can be viewed by the public at any time. She also stated there is a house on Dam Road with cars and boats that have not been moved in so long there is very tall grass all around.

There being no further business to come before the council, Richard Atchison made a motion to adjourn; Gordon Fluker seconded. The motion received unanimous consent.

The meeting was adjourned at 8:14 P. M.

E. L. McCarty, Mayor

Attest