

The Wilsonville Town Council met Tuesday, September 08, 2009, in regular session. The meeting was called to order by Mayor Rosemary Liveoak at 6:33 P. M.

The meeting was opened with prayer by Melissa Rosetta.

The following council members answered roll call: Dennis Blackerby, Calvin Gill, Patricia Johnson, Lee McCarty, Alan Revis, Melissa Rosetta. Terry Newman was not present.

The minutes of the August 03, 2009, regular meeting (mailed to the council members prior to the meeting) were reviewed. Councilman McCarty had an objection, stating there was a motion, second, and vote not contained in the minutes, concerning a new tap-on fee for water service. There were no other comments. Calvin Gill made a motion to accept the minutes as presented; Alan Revis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, no; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

The financial reports, mailed to the council members before the meeting, were reviewed. Councilman McCarty asked if the accounts payable checks could be held until the council approves them in the future. The clerk stated this might pose a problem since the council meets only once a month. Mayor Liveoak will check with the auditors to see how this can be handled. Calvin Gill made a motion to accept the financial reports as presented; Melissa Rosetta seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Mayor Liveoak asked the cemetery budget and the general fund budget be amended in order to transfer \$1,000.00 from the general fund to the cemetery fund to cover the expense of cutting grass for the month of September. Patricia Johnson made a motion to amend the budgets transferring \$1,000.00 from the general fund to the cemetery fund. Melissa Rosetta seconded the motion which passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

The audit report, presented at the August 03, 2009, meeting was never formally accepted by the council. Melissa Rosetta made a motion to accept the audit report; Alan Revis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Contracts for the smoke testing of the sewer system were presented for council approval. Patricia Johnson made a motion to accept the contract with SouthWest Water Company for project management services in the amount of \$900.00 and with Civil Systems Incorporated for performing the smoke test in the amount of \$6,000.00 (copies of the contracts are attached to these minutes). Lee McCarty seconded the motion, and it passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes;

Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Mayor Liveoak presented the contract, for fiscal year 2010, with the South Shelby Chamber of Commerce for \$3,000.00 (copy of contract attached to these minutes). Alan Revis made a motion to accept the contract; Calvin Gill seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, no; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Mayor Liveoak presented a request for \$500.00 from the South Shelby Chamber of Commerce to be paid, along with the other cities/towns represented by the Chamber, for a display board to be used at expos. This request was made at the beginning of this fiscal year, at which time, the request was for \$1,000.00. Due to the receipt of grant money, the request has been halved. After some discussion, Dennis Blackerby made a motion to pay the Chamber \$500.00 for the display board; Alan Revis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, no; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Ordinance Number 090908 for water services was introduced as follows:

#### ORDINANCE NUMBER 090908

#### AN ORDINANCE TO AMEND THE PROVISIONS FOR WATER SERVICES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WILSONVILLE, ALABAMA, AS FOLLOWS:

**Section 1.** That Ordinance Number 72 be and the same is hereby amended to read as follows:

“Section 1. All customers of the water works system of the Town of Wilsonville shall comply with the rules and regulations hereinafter set out with reference to the operation of the water works system.

Section 2. All meters, meter boxes, necessary fittings and pipe from main to inside curb line or property line of the customer will be furnished by the Town of Wilsonville and shall remain its property and be accessible to and subject to its control. They shall be conveniently located at a point approved by the public works superintendent or other officer designated by the Council, and when located on the premises of the customer, a proper place and protection thereafter shall be provided by the customer.

Section 3. Meters will be maintained by the Town of Wilsonville so far as ordinary wear and tear are concerned, but damage due to freezing from top of meter box, or due to fire placed inside meter box, or hot water, or external cause, or any other cause, shall be paid by the customer.

Section 4. No customer, plumber, owner, or other unauthorized person shall break the seal, or turn the water on or off at any curb stop or corporation stop, or disconnect or remove the meter without consent of the public works superintendent or other officer designated by the Council. A customer, plumber, owner, or other unauthorized person doing so without such consent shall be liable for any damages caused by such action and the expense of repairing the same shall be recovered from such person.

Section 5. A cut-off valve will be placed in the customer service line on the premises of the customer between the meter and the customer distribution system to be used in case of break or other necessity, whereby pipes or fixtures to be repaired can be cut off without the necessity of using the curb stop. The cut-off valve must be maintained in good order and condition at all times.

Section 6. A Charge of Fifteen Dollars (\$15.00) shall be made for turning water service on at the request of the customer.

Section 7. The Town of Wilsonville shall in no event be responsible for maintaining any service line or fixtures owned by the customer nor for defects in the lines or fixtures on the property of the customer. The consumer shall, at all times, comply with all regulations of the Town of Wilsonville relative to the service line and make all changes in his line required on account of change in grade or otherwise. All injury to service pipes or street mains caused by careless or negligent acts, or improper filling or excavation, shall be chargeable to the person causing such damage and the expense of repairing the same shall be recovered from such person.

Section 8. As necessity may arise in case of break, emergency, or for other unavoidable cause, the Town of Wilsonville shall have the right to temporarily cut off the water supply in order to make necessary repairs and connections. In such cases, the Town of Wilsonville shall not be liable in damages for any inconvenience, loss, damage, or injury suffered by the customer by the interruption in service, lessening of the supply, inadequate pressure, or any other loss or damage reasonably beyond its control.

Section 9. No customer will be allowed to furnish water to another person, except in case of emergency, and then only limited to two (2) weeks. Each separate residence, tenant, or place of business, if supplied with a water connection or if using water from the Town's main, shall be considered a separate building and pay a separate minimum. Each customer's water service must be separately metered at a single delivery and metering point.

Section 10. (a) The water customer shall pay for such water at such rates, time and place during normal business hours as determined by the Town of Wilsonville. The rate schedule is as follows:

<b>Gallons</b>	<b>Water Rate</b>
Minimum up to 2,000	\$ 20.00
Next up to 8,000	\$ 5.50 per kgl
Next up to 10,000	\$ 4.50 per kgl
Next up to 20,000	\$ 4.00 per kgl
Next up to 40,000	\$ 3.50 per kgl
Next over 40,000	\$ 2.86 per kgl

- (b) Payment is due ten (10) days after the bill is rendered. Failure to receive a bill shall not prevent such bill from becoming delinquent, nor relieve a customer from the obligation of payment. A service charge of ten percent (10%) shall be made on each bill unpaid on the fifteenth (15<sup>th</sup>) of the month after the bill is submitted to the customer.
- (c) Water bills shall be deemed delinquent on the fifteenth (15<sup>th</sup>) day after the second month of nonpayment and the water supply to the customer who is delinquent in the payment of said bill shall be cut off for non-payment of water bill.
- (d) After water is cut off by the Town of Wilsonville, the customer shall pay an appropriate service charge, as determined from time to time by the Council or, if designated by the Council, by the public works superintendent, in addition to the full amount of the unpaid bill prior to having service restored.
- (e) An application for service where no tap on is needed shall be submitted to the public works superintendent or other officer designated by the Council, with a deposit of \$30.00 for resident owners or \$100.00 for renters or other non-owner occupants prior to being provided water service. When water service is discontinued and all bills are paid, the balance of the security deposit shall be returned to the customer, with no interest. Customers requiring a tap shall pay an additional tap-on fee of \$1,000.00. Applications must be in writing, on forms furnished by the Town of Wilsonville, and must be signed by the customer. Any owner or occupant of any premises obtaining water service without submitting a proper application and deposit shall be guilty of a violation and subject to punishment as provided for violation of Town ordinances.

Section 11. A returned check will result in an additional charge of \$30.00.

**Section 2. Repealer.**

Any ordinance heretofore adopted by the Town Council of the Town of Wilsonville, Alabama, which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

**Section 3. Severability.**

If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason in a court of law, such holding shall not be construed to invalidate

or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Section 4. Effective Date.**

This Ordinance shall become effective immediately upon its adoption and publication or posting as required by law.

ADOPTED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

Attest:

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

\_\_\_\_\_  
Mayor

Councilman Blackerby asked if the leak forgiveness should be included in the ordinance. Mayor Liveoak will check with the town attorney about the matter. The ordinance was tabled until the October meeting.

The clerk introduced the contract with RDS (Revenue Discovery Systems) for business license discovery/recovery services. This is a three year contract. RDS cross references the sales tax records and the business license records to collect license fee from businesses which have been doing business in the Town without a license. The initial fee is split with RDS; thereafter, the Town sends renewal notices and receives all the license fee. Dennis Blackerby made a motion to accept the contract (copy attached to these minutes); Patricia Johnson seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Councilman Blackerby, chairman of the Part and Recreation Board, requested Grant Humphries be appointed to the Board to fill the remainder of Chere Crumpton's term. Mrs. Crumpton resigned. Dennis Blackerby made a motion to appoint Grant Humphries to the Board, with his term expiring January 01, 2011. Alan Revis seconded, and the motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Mayor Liveoak asked if an appointment to the Beautification Board could be considered. A volunteer requested to serve after the agenda had been mailed. Lee McCarty made a motion to suspend the rules in order to consider the appointment; Patricia Johnson seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Lee McCarty made a motion to appoint Sharon Ross to fill the unexpired term of Kelly Gage, who resigned. Her term will expire January 01, 2011. Patricia Johnson seconded the motion, which passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Mayor Liveoak received a request the Town pass a proclamation honoring the two-hundred-twenty-second anniversary of the drafting of the United States Constitution. This request was received after the agenda was mailed. Lee McCarty made a motion to suspend the rules in order to consider the proclamation; Calvin Gill seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Lee McCarty made a motion to adopt the Proclamation honoring the two-hundred-twenty-second anniversary of the drafting of the United States Constitution (copy of the proclamation attached to these minutes). Calvin Gill seconded the motion which passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Deputy Gary Goza asked the council to consider clarifying the firearms ordinance. He has had several complaints lately, and the ordinance is confusing and vague. Councilman Blackerby will research the matter, including seeing what regulations other towns have adopted. He will report on this in October.

The budget for fiscal year 2010 was the next item on the agenda. Budget figures were presented as follows:

4 and 5 Per Cent Paving

Income: \$3,850.00 Expenses: \$0.00 Adjusted Net: \$3,850.00

Melissa Rosetta made a motion to adopt the 4 and 5 Per Cent Paving budget; Calvin Gill seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

7 Per Cent Street Fund

Income: \$4,717.14 Expenses: \$4,717.14 Adjusted Net: \$0.00

Patricia Johnson made a motion to adopt the 7 Per Cent Street Fund budget; Alan Revis seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

State Capital Improvement Fund

Income: \$21,380.00                      Expenses: \$50,000.00  
Reservation of prior years excess revenues: \$28,620.00  
Adjusted net: \$0.00

Patricia Johnson made a motion to adopt the State Capital Improvement Fund budget; Melissa Rosetta seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Sanitation  
Income: \$143,000.00                      Expenses: \$181,575.00  
Reservation of prior year's excess revenues: \$38,575.00  
Adjusted net: \$0.00

Lee McCarty made a motion to adopt the Sanitation budget; Calvin Gill seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Cemetery  
Income: \$10,400.00                      Expenses: \$8,530.00  
Adjusted Net: \$1,870.00

Patricia Johnson made a motion to adopt the Cemetery budget; Melissa Rosetta seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Library  
Income: \$27,195.00                      Expenses: \$24,230.04  
Adjusted Net: \$2,964.96

Alan Revis made a motion to adopt the Library budget; Calvin Gill seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Sewer  
Income: \$202,220.00                      Expenses: \$202,220.00  
Adjusted Net: \$0.00

Calvin Gill made a motion to adopt the Sewer budget; Melissa Rosetta seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Water  
Income: \$444,250.00                      Expenses: \$418,929.61  
Adjusted Net: \$25,320.39

Alan Revis made a motion to adopt the Water budget; Patricia Johnson seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes;

Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

General Fund

Income: \$665,030.04      Expenses: \$610,459.42

Adjusted Net: \$54,570.62

Calvin Gill made a motion to adopt the General Fund budget; Melissa Rosetta seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, no; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes.

Public Comment

There was no public comment.

Council Comment

Patricia Johnson stated she has received an e-mail concerning obtaining steel from the Twin Towers in New York City, which would be suitable for a plaque. She suggested this plaque could hang in the Fire Station in memory of those firefighters who lost their lives September 11. Mrs. Johnson will pursue this.

Mayor Liveoak reminded everyone of the importance of the 2010 census and asked the council members to talk to people about it. Forms will be mailed, and it is of utmost importance for everyone to fill out the form and return it for an accurate count. Funding for the Town depends on an accurate count.

September 15, 2009, there will be a hazmat drill at E. C. Gaston Steam Plant. This is a county wide event, and our emergency personnel will be participating.

There being no further business to come before the council, Calvin Gill made a motion to adjourn; Dennis Blackerby seconded. The motion passed with the following vote: Dennis Blackerby, yes; Calvin Gill, yes; Patricia Johnson, yes; Lee McCarty, yes; Alan Revis, yes; Melissa Rosetta, yes; Rosemary Liveoak, yes. The meeting was adjourned at 7:59 P. M.

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Rosemary C. Liveoak, Mayor

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Attest