

CEDAR BLUFF TOWN COUNCIL MEETING
MONDAY, MAY 13, 2013 AT 5:30 PM

The Town Council of the Town of Cedar Bluff, County of Cherokee, State of Alabama, met in Regular Session in the Council Room at Town Hall, 3420 Spring Street, Cedar Bluff, Alabama on Monday, May 13, 2013 at 5:30 p.m. pursuant to notice duly posted as prescribed by law. Mayor Martha Baker presided and called the meeting to order. Members in attendance were as follows:

Martha Baker Mayor	Billie Burkhalter District 1
Tammy Crane District 2	Jerry Sprayberry District 3
Norman Burton District 4	Leatha Harp District 5

The invocation was given by Leatha Harp.

Mayor Baker led the Pledge of Allegiance.

1. Approval of Council Minutes from March 25, 2013 & April 8, 2013

The motion to approve the minutes from March 25, 2013 & April 8, 2013 was made by Billie Burkhalter and seconded by Leatha Harp.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

2. Utility Board Minutes from March 19, 2013

The Utility Board minutes from the March 19, 2013 meeting were recognized.

3. Planning Commission Minutes from March 7, 2013

The Planning Commission minutes from the March 7, 2013 meeting were recognized.

4. New Business

a. Financial Reports for March

The financial reports were distributed to the council for their review.

b. Public Hearing for Alcohol Application (Tony's Pizza and Subs LLC)

Mayor Baker opened the floor for any comment on the alcohol application submitted by Tony's Pizza and Subs LLC.

There was no discussion.

A motion to approve the alcohol application for Tony's Pizza and Subs LLC was made by Jerry Sprayberry and seconded by Tammy Crane.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

c. Liberty Day Budget

The budget for Liberty Day was presented as follows:

Expenses for Liberty Day 2013			Approved	Difference
Advertising	The Post(\$325), Cherokee County Herald(\$465), Laure Clemons(\$70), WEIS990(\$500)	1360.00		
ASCAP	Licensing/Copyright Agreement	330.00		
T-Shirts	T-Shirts for Presale	2250.00		
Atlanta Puppet-Peter Hart	Puppet Show	1025.00		
BMI Music	Licensing/Copyright Agreement	330.00		
Cherokee County Highway Department	Mow Fireworks Site	210.00		
Cherokee Electric	Electricity	70.00		
Dixie Decorations, Inc.	New Flags for Park	135.00		
Employee Costs	Fri-Sun	3500.00		
Pyro Productions	Fireworks	10000.00		
Unknown Restaurant	Lunch for Prisoners (Trash Detail)	65.00		
The Event Line	Tent for Puppet Show	710.00		
Lewis Septic & Portable Toilets	8 Portable Toilets/1 Handicap/2 Sinks	995.00		
Model Tees	15 Shirts for Staff	105.00		
Model Tees	4 x 8 Banners for Line-Up and Sponsors	200.00		
Mountain View Ice	Ice	500.00		
Wade Trammell/JD Helms/World-Wide Enterprise	Music Performance, MC, and Sound	2100.00		

Webb Concrete & Building Materials	Misc. Supplies	115.00		
Hats	170 Hats for Presale	168.00		
Totals		\$ 24,168.00	\$ -	\$ -

DONATIONS AS OF 05/08/13 - \$9,125.00 BOOTH RENTALS AS OF 05/08/13 - \$890.00
TOTAL INCOME AS OF 5/01/13 - \$10,015.00

A motion to approve the budget as presented was made by Tammy Crane and seconded by Jerry Sprayberry.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

d. Consider Addition of Justin Miller to the Volunteer Fire Department

Tammy Crane made a motion to approve the addition of Justin Miller to the Volunteer Fire Department. Leatha Harp seconded that motion.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

e. Discussion about Dog Ordinance

The Town has had several complaints about dogs. Mayor Baker read a portion of Ordinance 2009-01 as follows:

The term "At Large" shall mean off the premises of the owner, and not under the control of the owner or their agent either by leash, cord, chain or otherwise, not to exceed 8 feet in length.

Investigator Jason O'Neal announced that the District Attorney's office has instructed the Police Department to have the complainant, if the complainant knows the owner of the dog, to file a complaint with the police department, take the complaint to the Circuit Clerk's office, and then a summons will be sent for both parties to court.

f. Discussion about Properties Outside of Town Limits Receiving Town Services

Mayor Baker mentioned that the Utility Board allows property owners outside of the town limits to receive water and sewer services.

g. Resolution 2013-05 for Sales Tax Holiday

The council was presented with Resolution 2013-05 as follows:

**RESOLUTION 2013-05
PROVIDING FOR TOWN OF CEDAR BLUFF
PARTICIPATION IN THE “SALES TAX HOLIDAY”
AS AUTHORIZED BY ACT NO. 2006-574 IN AUGUST 2013**

WHEREAS, during its 2007 Regular Session, the Alabama Legislature enacted Act No. 2006-574, effective July 1, 2006, which provides an exemption of the state sales and use tax for certain non-commercial purchases related to school clothing and supplies during the first full weekend in August of each year; and

WHEREAS, Act No. 2006-574 authorizes the municipality to provide for an exemption of municipal sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted at least thirty days prior to 12:01 a.m. on the first Friday in August; and

WHEREAS, the TOWN OF CEDAR BLUFF Town Council has affirmatively voted to grant the exemption of municipal sales and use taxes on purchases covered by Act No. 2006-574 during the first weekend of August 2013, beginning at 12:01 a.m. on Friday, August 2, 2013 and ending at twelve midnight on Sunday, August 4, 2013, the first full weekend of August in 2013; and

WHEREAS, *Code of Alabama 1975, § 11-51-210(e)* requires that the municipality notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least 30 days prior to the effective date of the change; and

WHEREAS, the exemption of certain municipal sales and use taxes for the first full weekend of August 2013 herein adopted by the municipality is an amendment to the municipality's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in *Code of Alabama 1975, § 11-51-210(e)*;

THEREFORE BE IT RESOLVED BY THE TOWN OF CEDAR BLUFF TOWN COUNCIL that it does hereby provide for an exemption of the municipal sales and use tax on purchases of items covered by Act No. 2006-574 beginning at 12:01 a.m. on Friday, August 2, 2013 and ending at twelve midnight on Sunday, August 4, 2013.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 13, 2013 meeting of the TOWN OF CEDAR BLUFF Town Council, and be immediately forwarded to the Alabama Department of Revenue in compliance with *Code of Alabama 1975, § 11-51-210(e)*.

IN WITNESS THEREOF, the TOWN OF CEDAR BLUFF Town Council has caused this Resolution to be executed in its name and on its behalf by its Mayor on this the 13th day of May 2013.

Billie Burkhalter made a motion to approve Resolution 2013-05. Leatha Harp seconded that motion.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

h. Resolution 2013-06 to Surplus Property

Mayor Baker read Resolution 2013-06 as follows:

RESOLUTION 2013-06

WHEREAS, the Town of Cedar Bluff, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF CEDAR BLUFF, ALABAMA, AS FOLLOWS:

SECTION 1. That the following personal property owned by the Town of Cedar Bluff, Alabama, is not needed for public or municipal purposes:

- 1 HVAC Unit
- 7 Pop-up Tents
- 2 Boat Motors
- 1 30 Kilowatt Generator
- 1 1996 Dump Truck (Ford F-T900)
- 2 Metal Cabinets
- 1 Tool Box
- 3 Refrigerators
- 1 1993 Ford Bronco
- 2 Electrical Wires
- 2 5 Kilowatt Generators
- 2 Flood Light Sets
- 2 Portable Air Conditioners
- 1 Tire Balancer
- 1 Roll of Carpet

SECTION 2. That the Mayor and Town Clerk be, and they hereby are, authorized and directed to dispose of the personal property owned by the Town of Cedar Bluff, Alabama, described in Section 1, above, to wit:

By receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

ADOPTED AND APPROVED THIS 13TH DAY OF MAY, 2013.

i. Set Minimum Bids for Surplus Items

Mayor Baker read the police department's recommended minimum bid for the surplus items as follows:

Town Surplus		
Item	Qty	Minimum Bid per each
HVAC unit	1	\$50.00
Pop-up tents	7	\$10.00
Boat motors	2	\$400.00
30 kilowatt generator	1	\$500.00
1996 dump truck-Ford F-T900	1	\$10,000.00
Metal cabinet	2	\$1.00
Tool box	1	\$10.00
Refrigerator	3	\$5.00
1993 Ford Bronco	1	\$2,000.00
Electrical wire	2	\$25.00
5 kilowatt generator	2	\$50.00
Flood light set	2	\$5.00
Portable air conditioner	2	\$5.00
Tire balancer	1	\$200.00
Roll of carpet	1	\$1.00

Billie Burkhalter made a motion to approve Resolution 2013-06 and the minimum bids as presented. Jerry Sprayberry seconded that motion.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

j. Proclamation Naming May 2013 as Older Americans Month

Mayor Baker read the following Proclamation:

PROCLAMATION

A PROCLAMATION DECLARING MAY, 2013 AS
"OLDER AMERICANS MONTH"
IN THE TOWN OF CEDAR BLUFF, ALABAMA

WHEREAS, the Town of Cedar Bluff, Alabama is home to more than 500 citizens 60 years of age or older; and

WHEREAS, the older citizens of the Town of Cedar Bluff, Alabama represent a dramatic trend in our nation's demographic makeup; and

WHEREAS, older persons are diverse, respected citizens who continue to contribute to our nation's social and economic well-being; and

WHEREAS, a growing number baby boomers are rapidly becoming older citizens, and the number of individuals providing care to family members and friends is expanding significantly; and

WHEREAS, the opportunities and challenges that lie ahead require us to think differently about health and long term care, and work together to re-balance and modernize our current systems so that we may adequately plan for and address the needs of current and future generations; and

WHEREAS, older persons are entitled to live lives of dignity and independence through:

Streamlined access to information and community services;

Information about cost-effective prevention practices and activities that will improve health and quality of life, and

Innovative, affordable options of care and support that will provide an array of choices about how and where to live.

NOW, THEREFORE, the Town of Cedar Bluff, Alabama does hereby proclaim May, 2013 to be Older Americans Month and urge all citizens to honor older adults, and those who care for them, during May and throughout the year. We urge all to promote and participate in activities that contribute to helping older Americans make choices for a healthy and rewarding future.

DATED THIS 13TH DAY OF MAY, 2013.

Leatha Harp made a motion to proclaim May as "Older Americans Month." Billie Burkhalter seconded that motion.

Motion Carried (5-0)

AYE: Burkhalter, Burton, Crane, Harp, Sprayberry

NAY: None

5. Police Department Report for April 2013

The police report for April 2013 was presented by Steve Walden as follows:

Incident/Offense		Arrest Reports	
Burglary	6	Public Intoxication	1
Theft	5	Theft	1
Domestic Violence	6	Misd. Warrants	2
Harassment	3	Felony Warrants	2
Assault	2	Domestic Violence	1
K9 Calls	2	Rec. Stolen Property	1
Other	12		
Accident Reports		Traffic Citations	
	0		0
Town Limits		Police Jurisdiction	
	20		21

6. Fire Department Report for April 2013

The fire department report for April 2013 was presented by Bobby Joe Stinson as follows:

Fires in structure other than in a building	2
Outside rubbish, trash or waste fire	1
Medical assist, assist EMS crew	8
Motor vehicle accident with injuries	2
Motor vehicle accident with no injuries	2
Search for person on land	1
Gas leak (natural gas or LPG)	1
Total incidents	17

Top performing firefighters for the month of April were as follows:

1	Steven Kimmons	answered 11 calls
2	Jerry Sprayberry Craig Wade	answered 9 calls
3	Matthew Sprayberry	answered 7 calls

7. Building Inspector Report for April 2013

Alpha Chumbler gave the building inspector report for April 2013 as follows:

Two Building Permits for a total construction cost of \$106,500

One Zoning Permit

One Electrical Permit

One Mechanical Permit

One Plumbing Permit

One Gas Permit

Twelve Sewer Pump Permits

8. Other Business

Mayor Baker announced that the Town has completed the surveys for the CDBG grant. The surveys included Summerplace Road, Broad Street, Boundary Avenue, Main Street, and Armstrong Road. This covered 160 people. Seventy five percent of these people meet the low to moderate income ratio.

Mayor Baker announced that there will be a civil war reenactment on May 31 through June 2 on County Road 131.

9. Citizen Comments

Mark Pike wanted to know why his and Kenny Ford’s request for deannexation was not on the agenda since they had sent a certified letter to the Town. Mayor Baker told Mark Pike that the Town’s attorney is still researching this matter. Some discussion followed.

Marcia Kastl wanted to know what to do about unsightly properties. Mayor Baker told her to fill out a formal complaint.

Bob Morning wanted to know what the Town could do about the condition of Moneys Bend Road. Mayor Baker explained that the Town is aware of the road conditions and is applying for a grant for road paving.

Gloria Thacker wanted to know if there was paperwork showing that the Utility Board is a separate entity from the Town. Mayor Baker told her that the Utility Board’s attorney has stated that the board is separate due to the way it was incorporated.

10. Council Comments

There were no further comments from the council.

11. Adjourn

A motion was made by Billie Burkhalter and seconded by Leatha Harp that the council adjourn.

Motion Carried

Approved June 10, 2013

Martha Baker, Mayor

ATTEST

Misty Mobbs, Town Clerk