

CEDAR BLUFF TOWN COUNCIL MEETING
MONDAY, FEBRUARY 9, 2015 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, February 9, 2015 at 5:30 p.m. pursuant to notice duly posted as prescribed by law. Mayor Tammy Crane presided and called the meeting to order. Members in attendance were as follows:

Tammy Crane Mayor	Billie Burkhalter District 1
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Dewayne Agan District 2	Jerry Sprayberry District 3
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Norman Burton District 4	Leatha Harp District 5
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The invocation was given by Councilmember Dewayne Agan
Mayor Crane led the Pledge of Allegiance.

1. Approval of Council Minutes from January 12, 2015 and January 15, 2015

The motion to approve the minutes from January meetings was made by Councilmember Leatha Harp and seconded by Councilmember Norman Burton.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

2. Utility Board Minutes from December 16, 2014

The Utility Board Minutes from December 16, 2014 meeting were recognized.

3. New Business

a. Financial Report for January

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

b. Approval of Firefighters Robert James Harper and Gordon Tyler Bullard

Councilmember Norman Burton made the motion to approve the both firefighters with the stipulation pending Robert James Harper getting an Alabama Driver's License and Councilmember Dewayne Agan seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane
NAY: None
ABSTAIN: None

c. Ordinance 2015-05 to set Corrections Fund Amount for Municipal Court Cost

The ordinance was read by Town Clerk Susie Surrett as follows:

ORDINANCE NO. 2015-05

AN ORDINANCE TO ESTABLISH CORRECTIONS FUND COURT COST

BE IT ORDAINED by the Town Council of the Town of Cedar Bluff, Alabama, as follows:

SECTION 1. In addition to municipal court costs, assessed and collected by the municipal court of the town pursuant to 12-14-14 of the Code of Alabama, 1975 and Ordinance No. 2014-02 of the Town of Cedar Bluff, the town hereby levies and assesses and directs its Municipal Court to collect the following costs,

- (1) For any traffic offense, including driving under the influence, there is hereby assessed an additional forty nine dollars and fifty cents (\$49.50) in court costs, as authorized by section 11-47-7.1 of the Code of Alabama, 1975, which shall be collected by the municipal court of the town and remitted as provided by this section.
- (2) For any misdemeanor offense, there is hereby assessed an additional forty dollars (\$40.00) in court cost, as authorized by section 11-47-7.1 of the Code of Alabama, which shall be collected by the municipal court of the town remitted as provided by this section.
- (3) For violation of any municipal ordinance, the municipal court shall also collect as cost all additional costs and fees by statute of the state for such cases and all such costs and fees shall be remitted as required by said statutes.
- (4) All costs collected under subsections (1) and (2) of this section shall be remitted to a special fund designated as the town's corrections fund, which the town clerk is hereby authorized and directed to establish. Funds deposited into the corrections fund shall be used only for the purposes permitted by section 11-47-7.1 of the Code of Alabama, 1975.

ADOPTED AND APPROVED by the Town Council of the Town of Cedar Bluff, Alabama on this the _____ day of _____ 2015.

PRESIDING OFFICER

DATE

ATTEST:

Councilmember Norman Burton made the motion to approve the ordinance and Councilmember Leatha Harp seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

d. Annexation Ordinances.

Ordinances 2015-06 and 2015-07 was read by Town Clerk Susie Surrett as follows:

**Ordinance No. 2015-06
Annexation of Property for John Cook**

WHEREAS, on the 23rd day of January, 2015 John Cook, being the owner of all the real property hereinafter described, did file with the Town Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the Town of Cedar Bluff; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the Town of Cedar Bluff; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the Town of Cedar Bluff and it did further determine that all legal requirements for annexing said property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama 1975;

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

Section 1. The Council of the Town of Cedar Bluff, Alabama, finds and declares as the legislative body of the Town that it is in the best interests of the citizens of the Town, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the Town of Cedar Bluff.

Section 2. The boundary lines of the Town of Cedar Bluff, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory heretofore encompassed by the

corporate limits of the Town of Cedar Bluff, Alabama, and in addition thereto the following described territory, to-wit:

Lot No. 3 of Block B of McElrath Subdivision as the same appears of record in the Probate Office of Cherokee County, Alabama, in Plat Book 8 at page 78. Said lot of land lying in and being a part of the Northeast Quarter of the Northwest Quarter Section 35, Township 9 South, Range 10 East, in Cherokee County, Alabama.

Section 3. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Cherokee County, Alabama.

Section 4. The territory described in this ordinance shall become part of the corporate limits of Cedar Bluff, Alabama, upon publication of this ordinance as set forth in Section 3, above.

ADOPTED THIS THE _____ DAY OF _____, 2015

Motion was made by Councilmember Norman Burton to accept the annexation Ordinance for the property of John Cook and the motion was seconded by Councilmember Dewayne Agan.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTIAN: None

Annexation of Property for William and Linda Pinson and Margaret Pinson

WHEREAS, on the 22nd day of January, 2015 William C. and Linda Pinson and Margaret Pinson, being the owners of all the real property hereinafter described, did file with the Town Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the Town of Cedar Bluff; and

WHEREAS, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the Town of Cedar Bluff; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed to the Town of Cedar Bluff and it did further determine that all legal requirements for annexing said property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama 1975;

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

Section 1. The Council of the Town of Cedar Bluff, Alabama, finds and declares as the legislative body of the Town that it is in the best interests of the citizens of the Town, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the Town of Cedar Bluff.

Section 2. The boundary lines of the Town of Cedar Bluff, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory heretofore encompassed by the

corporate limits of the Town of Cedar Bluff, Alabama, and in addition thereto the following described territory, to-wit:

Lot No. 26 of Wild Acres Subdivision as the same appears of record in the Probate Office of Cherokee County, Alabama, in Plat Book 6 at page 20. Said lot of land lying in and being a part of the Sections 34 and 35, Township 9 South, Range 10 East, in Cherokee County, Alabama.

Lot No. 25 of Wild Acres Subdivision as the same appears of record in the office of the Judge of Probate of Cherokee County, Alabama in Plat Book 6 at page 20, as revised by a revision of a portion of said subdivision as the same appears of record in Plat Book 6 at page 26. Said lot of land lying in and being a part of Sections 34 and 35 in Township 9 South, Range 10 East, in Cherokee County, Alabama.

Section 3. This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Cherokee County, Alabama.

Section 4. The territory described in this ordinance shall become part of the corporate limits of Cedar Bluff, Alabama, upon publication of this ordinance as set forth in Section 3, above.

Councilmember Dewayne Agan made the motion to approve annexation for the property of William and Linda Pinson and Margaret Pinson and Councilmember Leatha Harp seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

e. Approval of Resolution 2015-02 for Modification of T-Mobile Equipment on Tower located at 4855 Church Street

The resolution was read by Town Clerk Susie Surrett as follows:

RESOLUTION NO. 2015-02

WHEREAS, T-MOBILE has requested to modify wireless telecommunication equipment on an existing monopole tower at 4855 Church Street to provide improved wireless services essentially within the corporate limits and police jurisdiction of the Town of Cedar Bluff, AL and;

WHEREAS, T-MOBILE has complied with Town's Ordinance No. 2011-02 and has demonstrated the need for this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the Town and T-MOBILE customers in Cedar Bluff, AL will benefit from improved service and;

WHEREAS, the Town's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located at 4855 Church Street, Cedar Bluff, AL, which consist of an existing 194' monopole tower;

THEREFORE, BE IT RESOVED by the Town Council of the Town of Cedar Bluff, AL that T-MOBILE is hereby granted a Special Use Permit to modify an existing facility at 4855 Church Street, Cedar Bluff, AL. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. To prevent warehousing of permits or authorizations and to assure the best service to the Town's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred twenty (120) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted *force majeure* exceptions acceptable to the Town. T-MOBILE may petition the Town for an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the Town.
2. T-MOBILE shall provide contractor information to CMS and Town prior to request for issuance of Business License.
3. Once T-MOBILE has met all the conditions of the permit and any other requirements of the Town, T-MOBILE must notify the Town's consultant prior to start of construction and for all required inspections.
4. At the completion of construction, T-MOBILE must notify the Town's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
5. T-MOBILE shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this 9th day of February, 2015.

Councilmember Norman Burton made the motion to approve the resolution and Councilmember Jerry Sprayberry seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

4. Police Department Report for January 2015

The report was read by

Reports:

Harassment: 4

Burglary: 2

Theft: 10

Domestic Violence: 5

Other: 10

Arrests:

Felony Warrants: 1

Theft: 1

Harassment: 1

Domestic Violence: 1

Cruelty to Animals: 3

Poss. Of Drug Paraph: 1

Traffic Citations:

Speeding: 6

No/Improper Tag: 1

Equipment Violations: 2

Traffic Accidents: 1

5. Fire Department Report for January 2015

The fire department report for January 2012 was read by Chief Matthew Sprayberry as follows:

Grass/Brush Fires: 4

Medical: 5

Vehicle Accidents: 4

Other: 1

Total: 14

6. Building Inspector Report for January 2015

Council was presented with the building inspector report for January 2015 as follows:

1 Building Permit

1 Electrical Permit

- 1 Mechanical Permit
- 1 Plumbing Permit
- 1 Sewer Pump Permit
- 1 Moving Permit

7. Citizen Comments: Barbara Wedding- Pothole

Mrs. Wedding asked the Council if there was something that could be done with the condition of her cul-de-sac. She stated it had failed to be patched the last few times the town patched roads in town. The Mayor Tammy Crane told Mrs. Wedding she would look into the problem and seek out a solution. Councilmember Dewayne Agan told Mrs. Wedding the ditches need digging out to take care of the water standing in the road and he would look into the County Highway Department doing it for the town.

8. Other Comments

Councilmember Dewayne Agan said he had been made aware of a problem with the concrete floor in the fire department that needs repairing. He stated a couple of prices had been received with the lowest being \$1,800.00. He made the motion to set aside \$1,800.00 to fix the floor when weather permits and when we have a place to put the fire trucks and Councilmember Billie Burkhalter seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

At this time Mayor Tammy Crane stated the main computer tower for the Police Department has went down and Mayhall Computers has given an estimate for the tower of \$687.00. She stated she thought this needed to be purchased and that the funds could be used from Capital Improvement funds. Councilmember Dewayne Agan made the motion to purchase the tower from Mayhall Computers for the price given of \$687.00 and Councilmember Norman Burton seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

At this time the Mayor Tammy Crane stated a new bank account needs to be open for the Municipal Court and that it needs to be opened at Peoples Bank with the minimum amount to open the account. Councilmember Norman Burton made the motion to open the account at People's Bank with the minimum amount needed and Councilmember Dewayne Agan seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

Mayor Tammy Crane stated at this time that the Town has hired the Law Firm of Ford, Howard and Cornett of Gadsden to represent the Town in the lawsuit against the Utility Board of Cedar Bluff. She stated she would like to put it to a vote for the Council at this time. Norman Burton made the motion to use the firm and Councilmember Dewayne Agan seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

Mayor Tammy Crane stated at this time she and the Council had all received a letter from Bill Hawkins stating as of February 13, 2015 he will no longer be representing the Town of Cedar Bluff. She also stated that she would like to recommend the Town hire the Firm of Turnbach, Warren, Lloyd, Fredrick and Smith of Gadsden to represent the Town as Legal Counsel. Councilmember Dewayne Agan put in the form of a motion to accept the letter of resignation from Bill Hawkins and hire the Firm of Turnbach, Lloyd, Fredrick and Smith as the Town's Legal Counsel and Councilmember Norman Burton seconded the motion.

Motion Carried (6-0)

AYE: Agan, Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: None

ABSTAIN: None

Mayor Tammy Crane made the recommendation to accept the plat for the Subdivision of Summer Breeze into the Town. Councilmember Norman Burton made the motion to accept the plat with the stipulation of Doyle Buffington maintains the streets in the subdivision for a period of five years and Councilmember Billie Burkhalter seconded the motion.

Motion Carried (5-1)

AYE: Burton, Burkhalter, Harp, Sprayberry, Crane

NAY: Agan

ABSTAIN: None

At this time Mayor Tammy Crane said she would like to announce the Town will be having a dedication ceremony for the renaming of the first block of Spring Street to Martha Vera Lane on February 28th at 10am. She invited everyone to attend.

9. **Adjourn**

Councilmember Leatha Harp made the motion to Adjourn.

Motion Carried

Approved, March 9, 2015

Tammy Crane, Mayor

ATTEST

Susie Surrent, Town Clerk