

CEDAR BLUFF TOWN COUNCIL MEETING  
MONDAY, JUNE 22, 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 Martha Vera Lane, Cedar Bluff, Alabama on Monday, June 22, 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 <b>Mayor</b>	Billie Burkhalter <b>District 1</b>
<b>District 2</b> Dewayne Agan	<b>District 3</b> Jerry Sprayberry
Norman Burton <b>District 4</b>	Leatha Harp <b>District 5</b>

The invocation was given by Councilmember Dewayne Agan.  
Mayor Crane led the Pledge of Allegiance.

**1. Approval of Council Minutes from May ,2015**

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

Motion Carried (6-0)

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

NAY: None

ABSTAIN: None

**2. Cedar Bluff Utility Board Minutes April 2015**

The Utility Board Minutes for April 2015 were recognized.

**3. Planning Commission Minutes May 2015**

Planning Commission Minutes from May 2015 were recognized.

**4. Thereasa Hulgan with the Cherokee County Chamber**

Thereasa Hulgan presented the Council with a packet on the upcoming fishing tournaments on Weiss Lake. She stated to the Council any donation they could make would be greatly appreciated. Councilmember Norman Burton made the motion to use

the remainder of the advertising budget, \$400.00 to help with the tournament and Councilmember Billie Burkhalter seconded the motion.

Motion Carried (4-2)

Aye: Burkhalter, Burton, Harp, and Crane

Nay: Agan, and Sprayberry

Abstain: None

**5. Danny Smith with Cherokee EMS**

Danny Smith thanked the Council for having the ambulance service in town and that the service is excited about being here. He spoke to the Council about zoning requirements and an extension on the variance. Mayor Crane stated this would be revisited at the July meeting.

**6. Vickie Robinson Past Time Magazine**

Mrs. Robinson presented the Council with a proposal for an ad in the magazine for this year. Discussion was made that the advertising budget for the year had been spent. Councilmember Norman Burton made the motion to do the ad in black and white for \$200.00 and Mayor Crane seconded the motion.

Motion Failed (2-4)

Aye: Burton and Crane

Nay: Agan, Burkhalter, Harp and Sprayberry

Abstain: None

**7. Old Business**

**a. Utility Board Appointment**

Councilmember Norman Burton made the motion to appoint Billie Burkhalter to the Board and Councilmember Jerry Sprayberry seconded the motion.

Motion Carried (6-0)

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

Nay: None

Abstain: None

**b. Approval to Purchase Property from Utility Board**

Councilmember Norman Burton made the motion to purchase the property using funds from capital improvement and Councilmember Leatha Harp seconded the motion.

Motion Carried (6-0)

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

Nay: None

Abstain: None

- c. **Ordinance 2015-08 Regulating Pawn Shops and Second Hand Dealers**  
Mayor Crane asked Town Clerk, Susie Surrett to read the ordinance as follows:

**ORDINANCE NO. 2015-08**

AN ORDINANCE TO REGULATE THE OPERATIONS OF SECONDHAND DEALERS AND PAWN SHOPS IN  
CEDAR BLUFF, ALABAMA

BE IT HEREBY ORDAINED by the Town Council of the Town of Cedar Bluff at a regular meeting, duly assembled, a quorum being present, as follows:

**Section 1. Definitions**

- a). Pawnbroker—Any person, firm or entity engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
- b). Personal Identification Card-- A driver's license or identification card issued by the Alabama Department of Public Safety or a similar card issued by the appropriate authority in another State, a military identification card, a passport, or an appropriate work authorization document issued by the U. S. Citizenship and Immigration Services of the Department of Homeland Security, or such other federal agency which may be duly authorized to issue the same.
- c). Secondhand Dealer—any person, firm or entity operating any store, shop or place of business where secondhand goods are bought, sold, exchanged, or bartered.
- d). Secondhand Goods—Any property of any kind or description which has been previously sold to or owned by a consumer of other person who is not a merchant as defined by Code of Ala. 1975, SS 7-2-104; or that constitutes "pledged goods" under the Alabama Pawnshop Act; or that is sold or received as scrap or salvage property; provided, that household furnishing, clothing waste, and animal waste or aluminum drink cans shall not be considered secondhand goods within this article. Secondhand goods shall specifically include, as well, any jewelry or precious metals, such as gold and silver, in any form whatsoever, including coinage.

**Section 2. Record of Purchases**

- (a) At the time of any transaction other than renewals, extensions or redemptions, every secondhand dealer must immediately record in English the following information by using ink or in a computerized record approved by the police department:
- (1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item. Gold, silver, precious, or semi-precious stones, must be completely described as to the original design or intended use of the item. A description of "scrap gold", is not acceptable.
  - (2) The purchase price, amount of money loaned upon, or pledged.
  - (3) Date and time the item of property was received by the secondhand dealer, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the secondhand dealer's records.
  - (4) Full name, current residence address, and current telephone number, date of birth, race, sex and signature of the person from whom the item of property was acquired or purchased.
  - (5) An accurate description of the vehicle, including tag number, occupied by the person from whom the item of property is acquired or purchased.

(6) The secondhand dealer must require the presentation of one of the following forms of identification, and keep a photocopy on file, from the person from whom the property is acquired or purchased.

- a. Valid state-issued driver's license.
- b. Any valid state-issued identification that includes a photograph of that person listed on the identification.

(7) Written records of transactions, photocopies, and photographs shall be maintained for a minimum of six (6) months from the date of the transaction and be available for inspection by the chief of police or his designee upon request.

**Section 3. Purchases to be retained for ten days in original state; exception.**

It shall be unlawful for any secondhand dealer to sell or otherwise dispose of any secondhand goods, or permit any secondhand goods to be sold or otherwise disposed of, or remove or permit to be removed any secondhand goods from such person's place of business, or intermingle any secondhand goods, or to alter, change or deface, or permit to be altered, changed or defaced, any secondhand goods, until after the expiration of ten (10) days from the date of the purchase or acquisition thereof, unless such person obtains permission in writing from the chief of police clearing the secondhand goods.

**Section 4. Purchase or acquisition from minors.**

It shall be unlawful for any secondhand dealer to purchase or acquire in any manner any secondhand goods from any person less than nineteen (19) years of age.

**Section 5. Premises to be open for inspection.**

The area and the premises where any person regulated by this article stores or keeps secondhand goods purchased or acquired in the business shall be open to inspection to any police officer at all times during business hours. It shall be unlawful to deny such an inspection or otherwise violate this section.

**Section 6. Concealment of Items.**

It shall be unlawful for any secondhand dealer to conceal any secondhand goods or other items regulated by this article from any official who may inspect the premises under Section 5.

**Section 7. Cancellation and revocation of license.**

The conviction of any person licensed to engage in the business regulated by this article for violating any of the provisions of this article, or the conviction of any agent, servant or employees of any licensed person for a violation of any of the provisions of this article, while such servant, agent or employee was acting in the line and scope of employment in the business, shall be cause for the revocation of the business license.

**Section 8.** If any provisions or section of this ordinance is declared to be unconstitutional or invalid by any court of competent jurisdiction, all other parts, provisions or sections of this ordinance not thereby affected shall remain in full force and effect.

**Section 9.** This ordinance shall become effective immediately upon its passage and approval by the Town Council and Mayor of the Town of Cedar Bluff, Alabama.

Councilmember Norman Burton made the motion to approve Ordinance 2015-08 and Councilmember Dewayne Agan seconded the motion.

Motion Carried (6-0)

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

Nay: None

Abstain: None

**8. New Business**

**a. Financial Reports for May 2015**

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

**9. Police Department Report for May 2015**

The report was read by Police Chief Steve Walden as follows:

**Reports:**

Theft:	3
Domestic Violence:	5
Harassment:	3
Assault:	1
Criminal Mischief:	1
Animal Control:	2
Other:	5

**Arrests:**

UPOM:	2
UPODP:	1
DUI:	2
Public Intox:	1
Domestic Violence:	3
Harassment:	2
Criminal Mischief:	1
Menacing:	1

**Traffic Citations:**

Speeding:	16
No License:	2
No Tag:	1

**Traffic Accidents:** 4

**10. Fire Department Report for May 2015**

The fire department report for May 2015 was read as follows:

Structure Fires: 1  
Grass/Woods: 3  
Medical: 3  
Vehicle Accidents: 2  
Other: 4  
  
**Total Calls: 13**

**11. Building Inspector Report for May 2015**

Mayor Tammy Crane read the report for May 2015 as follows:

2 Building Permits  
1 Sewer Pump Permit  
1 Plumbing Permit

**12. Other Comments**

At this time Mayor Crane presented the Council with an invoice to replace the mulch surfacing in the playground. Councilmember Norman Burton stated it needed to be done soon due to insurance requirements. The invoice was in the amount of \$2,077.38. Councilmember Norman Burton made the motion to purchase the mulch with funds from Park & Rec and Councilmember Billie Burkhalter seconded the motion.

Motion Carried (6-0)

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

Nay: None

Abstain: None

Next Mayor Crane stated she had an application for a Reserve Police Officer, Levi Welsh. She asked Police Chief Steve Walden about him and he said he approved of him. Councilmember Dewayne Agan made the motion to approve Levi Welsh and Councilmember Jerry Sprayberry seconded.

Motion Carried (6-0)

Aye: Agan, Burkhalter, Burton, Harp, Sprayberry and Crane

Nay: None

Abstain: None

At this time Councilmember Dewayne Agan addressed the numerous complaints the town has received on dust on the streets that are being repaved. He explained the need for the streets to sit and settle in this stage to get a good base for the streets.

**13. Adjourn**

Councilmember Norman Burton made the motion to Adjourn.

Motion Carried

**Approved July 13, 2015**

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**Tammy Crane, Mayor**

**ATTEST**

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**Susie Surrett, Town Clerk**