

TOWN OF COUNTYLINE

P.O. Box 130 Trafford, Alabama 35172
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Mayor Sue Blackmon
Councilman Larry Calvert
Councilman Pam Sitton
Councilman Mellany Piper
Councilman James Calvert
Councilman Bill Ivey

Monthly Meeting: December 12, 2005

1. A call to order.

The meeting was called to order by Mayor Sue Blackmon.

2. Roll Call.

Town Clerk Jennifer Grooms called roll.

Present - Mayor Sue Blackmon, Councilman Larry Calvert, Councilman Bill Ivey and Councilman Pam Sitton.

Absent - Councilman James Calvert and Councilman Mellany Piper.

Mayor Sue Blackmon presented Charles Cordar with the Mayor's Award for the best decorated yard in the town of Countyline.

3. a) Reading and approval of the minutes of the previous meeting.

Minutes of September 12, 2005 meeting were read by Town Clerk, Jennifer Grooms. Councilman Pam Sitton called for a motion that the minutes be accepted with corrections to the names and the walking track issue. Councilman Bill Ivey seconded. Vote carried unanimously.

b) Reading and approval of the financial report.

The financial report of September 2005 was read by Town Clerk, Jennifer Grooms. Councilman Bill Ivey called for a motion that the financial report be accepted with corrections to International Code of Councils. Councilman Larry Calvert seconded and the vote was carried unanimously.

a) Reading and approval of the minutes of the previous meeting.

Minutes of September 30, 2005 special meeting were read by Town Clerk, Jennifer Grooms. Councilman Pam Sitton called for a motion that the minutes be accepted with corrections to the names. Councilman Bill Ivey seconded, and the vote carried unanimously.

a) Reading and approval of the minutes of the previous meeting.

Cancellation of the October 10, 2005 monthly meeting was read by Town Clerk, Jennifer Grooms. No motion or vote was needed.

b) Reading and approval of the financial report.

The financial report of October 2005 was read by Town Clerk, Jennifer Grooms.

Councilman Bill Ivey called for a motion that the financial report be accepted as read. Councilman Pam Sitton seconded and the vote was carried unanimously.

a) Reading and approval of the minutes of the previous meeting.

Cancellation of the November 14, 2005 monthly meeting was read by Town Clerk, Jennifer Grooms. No motion or vote was needed.

b) Reading and approval of the financial report.

The financial report of November 2005 was read by Town Clerk, Jennifer Grooms.

Councilman Bill Ivey called for a motion that the financial report be accepted as read.

Councilman Pam Sitton seconded and the vote was carried unanimously.

4. Reports of committees.

Mayor Sue Blackmon asked Councilman Bill Ivey if he had a report on the Early Warning System. A discussion followed. Councilman Bill Ivey stated that he was told that there was no cost involved, but that the town would have to apply with County Commissioner Mary Buckelew's committee. Mayor Sue Blackmon stated that she had already written her office and would make a follow up call.

5. Report of officers.

None reported.

6. Reading of petitions, applications, complaints, appeals, communications, etc.

None reported.

7. Resolutions, ordinances, orders, and other business.

Councilman Pam Sitton introduced the topic of the survey. She stated that when she talked to Mr. Shackleford the price had increased from the \$450 previously passed amount to \$750. Councilman Pam Sitton motioned that the amount be approved.

Councilman Bill Ivey seconded and the vote was carried unanimously. Mayor Sue Blackmon requested to be present when the corner stakes were placed.

Councilman Pam Sitton introduced the topic of the legality of the annexation of the land owned by Van Mulvehill. A discussion followed. Councilman Pam Sitton stated that Jonathon Wesson agreed to look into the matter. Mayor Sue Blackmon stated that it was done correctly by Alex Smith and asked who questioned its legality. Councilman Pam Sitton stated that she was not sure if it was done properly. Councilman Pam Sitton continued by saying that what the council originally approved was not what was brought back the second time. Councilman Pam Sitton stated that the parcel numbers and acreage had changed. Mayor Sue Blackmon stated that the original had not changed and she did not know about the other. Councilman Larry Calvert stated that there was a question on whether the land was continuous with regards the town's property. Councilman Larry Calvert stated that twenty acres were originally presented and nine acres was added to the second presentation. He also stated that there was no map included the second time. Mayor Blackmon stated that the council voted in "good faith" to annex this land. Councilman Pam Sitton and Larry Calvert stated that they are not saying that they want the property removed, only that they want it done properly. A discussion followed

regarding the meaning of continuous with the regards to property. Councilman Larry Calvert read a letter from Roy Johnson. Councilman Pam Sitton motioned that the council contract Jonathon Wesson to look into the legality of the annexation and to make any corrections needed. Councilman Larry Calvert seconded. Councilman Larry Calvert and Pam Sitton voted for and Mayor Sue Blackmon and Councilman Bill Ivey abstained from voting and explained why they abstained.

Councilman Larry Calvert introduced the topic of a business license issued to a new business. Councilman Larry Calvert asked Jennifer Grooms, Town Clerk, type of business and the name of the business. She stated that the name was Play and Win and that a electrical permit was also issued. Councilman Larry Calvert asked how she came to the amount she charged. Jennifer Grooms stated that Mayor Sue Blackmon was present and that they talked about the issue and the Mayor stated the basic charge was \$50. Mayor Sue Blackmon stated that Trafford had an Arcade and charged \$50, and that she was just attempting to help Jennifer. Councilman Larry Calvert read from a business license ordinance and suggested that the council refund the money and discuss the issue. Councilman Larry Calvert motioned that the council refund Mr. Calvert's money and resend the license. A discussion followed. Councilman Pam Sitton seconded. Councilman Pam Sitton, Larry Calvert, and Bill Ivey voted for and Mayor Sue Blackmon voted against.

Councilman Sitton moved to discuss the arcade issue. A discussion followed and the issue was tabled for further discussion. Councilman Pam Sitton agreed to notify Jack Calvert and gain more information from him on the business.

Mayor Sue Blackmon introduced the topic of putting back up a street light by Mr. Malcolm Calvert's house. A discussion followed. Mayor Sue Blackmon motioned that the street light go back up in front of Mr. Malcolm Calvert's house. Councilman Bill Ivey seconded. Mayor Sue Blackmon, Councilman Pam Sitton and Bill Ivey voted for and Councilman Larry Calvert abstained.

Councilman Larry Calvert inquired about the location of a gun owned by the town. A discussion followed. Mayor Sue Blackmon stated that she thought Councilman Larry Calvert had it but would look to see if she had the gun. Councilman Larry Calvert asked Jennifer Grooms to obtain a copy of the safety deposit box sign-in records.

Mayor Sue Blackmon notified the council that Mike Hale sent her a \$760 check for the public safety fund and that she was going to donate it to The Blount County Drug task Force. She wanted it deposited into the town's account, for bookkeeping reasons, to issue a check. A discussion followed.

Jennifer Grooms asked about if the form Councilman Bill Ivey presented was to used for permits. The council decided to use them. A discussion on purchasing letterhead followed with a decision for purchasing. Jennifer Grooms asked about a Alabama Munciple Insurance Company bill of \$150. The council told the clerk to pay the bill.

Jennifer introduced a bill for a \$44 donation to EMS.

Mayor Sue Blackmon made a motion to pay the donation to the EMS. Councilman Bill Ivey seconded and the vote was carried unanimously.

The council declined membership and the fees required by the Regional Planning Commission.

Jennifer Grooms presented a \$2500 bill from Self, Maples, & Copeland, P.C. for the audit. Councilman Pam Sitton motioned to pay the bill and Councilman Bill Ivey seconded. The vote was carried unanimously.

Jennifer Grooms presented a bill from The League of Municipalities for \$309.91. Councilman Pam Sitton motioned to pay the bill and Councilman Bill Ivey seconded. The vote was carried unanimously.

Jennifer Grooms presented a letter to the WCA about the caution light. The council approved the letter.

Jennifer Grooms presented a letter of recognition from Eric Reaves for lawn maintenance. A discussion followed regarding a replacement.

Councilman Pam Sitton introduced the topic of damaged roof. Mr. Cordor volunteered to fix the roof for free.

Councilman Pam Sitton introduced the topic of moving a downed pole and light. Mayor Blackmon motioned to employ Mr. Cordar to dispose of a downed pole and place the light behind the town hall for \$25. Councilman Sitton seconded. Mayor Sue Blackmon, Councilman Pam Sitton, and Bill Ivey voted for and Councilman Larry Calvert abstained.

8. Public comments.

Herman Mulvehill introduced the topic of recognizing Kyle for work on the east side of town.

Van Mulvehill introduced the topic of a previous %1 sales tax.

Malcolm Calvert introduced the topics of Kyle's improvements, town boundaries, absent council members, and fixing Cobb Brazeal road. He stated that the town could apply for a grant. Councilman Pam Sitton stated that she had Mellany Piper's letter of recognition.

Charles Cordar volunteered to do lawn maintenance for \$75 per month.

Mayor Sue Blackmon asked the council to think about purchasing new shrubbery.

Micheal Calvert asked about the arcade and introduced the topic of selling the police car. A discussion followed.

Councilman Bill Ivey motioned to adjourn. Councilman Pam Sitton seconded. The vote was carried unanimously.

Minutes prepared by Jennifer S. Grooms, Town Clerk

We the undersigned residents of the town of Countyline oppose the spending of town funds on a walking track to be constructed on Town Hall property. We feel it is a waste of town funds when there is a walking track less than a mile down the road that is available to anyone regardless of their residence. We feel there are more urgent needs in the community that need to be addressed before we use town funds for recreational purposes. There are citizens in our community that do not even have necessities such as drinking water, that this money could be used for.

William Colbert

Patricia Colbert

James H. Baldwin

Kenneth A. Baldwin

Emmy Gene Belmont

Mr. James D. Brown

Kathy G. Dyer

Carl Cohen

Ray Costello

Sue Young

Vienna Hays

Edward Young

Connie Huffstater

Irma S. Huffstatter

Tom McWhittell

Donald McWhittell

Ralph Tuck

Gill Tucks

Brenda Lowe

Maggie Thomas

Thomas Lowe

Orta Burns

Jane Dyer

Jim. Dyer

Priscilla Dyer

Lynn Dyer

Merle Dyer

Robert Dyer

TAMMY CARDAR

Sue Ferguson

municipality acts very much as an arm of the state. Corporate powers are more comparable to those of a private corporation and are exercised to benefit the municipality in its proprietary capacity.

Police Jurisdiction

Municipalities also have authority to exercise certain powers within their police jurisdictions. The police jurisdiction is a legislatively created area outside the corporate limits of a municipality. The size of the police jurisdiction is either a mile-and-a-half or three miles, depending on the population of the municipality. See Section 11-40-10, Code of Alabama, 1975. It ensures orderly development beyond the municipal limits and allows the municipality to protect persons who live within these areas.

Municipalities can levy certain types of taxes in the police jurisdiction in order to pay for services that are provided in the area. Additionally, municipalities can enforce criminal ordinances in the police jurisdiction. Construction and development can be regulated through the application of municipal building codes and subdivision regulations. Municipalities can also provide a wide range of services to citizens within the police jurisdiction.

Appropriations

A common area of contention between municipal officials and their constituents concerns appropriations. Many taxpayers, understandably, want to have a direct say on how their tax money is spent. However, citizens must understand that the authority to expend municipal funds is restricted by state law.

Perhaps the most common barrier to municipal spending is Section 94 of the Alabama Constitution of 1901. This section is commonly referred to simply as "Section 94." It prohibits municipalities from giving anything of value to any private individual or group of individuals. The prohibition also bars donations to private, nonprofit corporations, even if these organizations benefit the public. Section 94 is the reason municipalities cannot pave driveways or parking lots on private property. The rule is also why government property cannot be given away.

Section 94 is a frequent source of irritation for elected officials, especially for those who are new to the operations of public entities. This is because often the groups requesting financial help from the municipality provide a valid community service and there is an inherent desire to assist them. Many are charitable organizations. For the purposes of Section 94, though, it is crucial to distinguish between the public and private nature of the group, and many traditional entities are considered private, not public. It doesn't matter under Section 94 that the group is nonprofit. If it is private (which generally means that is

was not directly created by a public organization), the municipality may not donate funds to it.

Section 94, though, does not prohibit municipalities from contracting with private companies and individuals for services. For example, although a municipality cannot give money to the Girl Scouts of America or the local chamber of commerce, the municipality may compensate the agency for legitimate services they perform for the municipality. Bear in mind that the service being performed generally must be a service that the municipality could perform itself.

Similarly, Section 94 does not ban appropriations to public organizations that serve the municipality. For instance, municipalities may contribute funds to public schools their citizens attend. However, municipalities may not make donations to band booster clubs or other private clubs organized by students or parents because these are private groups.

Municipalities must also comply with the competitive bid law found in the Code of Alabama. The bid law prohibits expenditures (with certain exceptions which are listed in the code) of more than \$7,500 (\$50,000 for public works contracts) without first soliciting competitive bids. However, cities and towns may contract with other public agencies or purchase items through a state contract without first obtaining bids.

There are, of course, other provisions governing municipal expenditures that are too numerous to discuss here. What is important is for potential candidates to understand that they must examine expenditures to ensure what they want to do is legal.

Citizen Petitions

Citizens often draft and circulate petitions to be presented to the municipal governing body. What is the legal effect of these petitions? Of course, in some cases the code requires the council to act on petitions that contain a certain percentage of citizen signatures. In these cases, the council must follow through on all statutory requirements. These situations, though, are rare. Usually, the council is not required to act on or debate requests submitted by petition. At best, a petition serves as a means of bringing the issue before the council.

Certainly, citizens have the right to make requests of the governing body. And, just as clearly, the number of signatures on a petition has a practical political effect. In most cases, however, a council may deny a petitioner's request or refuse to even consider it.

Even where a municipal council will consider a citizen petition, it is important that candidates realize that they cannot delegate the authority to make legislative decisions to the citizens themselves. Frequently, elected officials want