

CHEROKEE COUNTY COMMISSION
CENTRE, ALABAMA

MINUTES

DATE:
July 25, 2011

PRESENT:
Wade Sprouse, District I
Kimball Parker, District II
Elbert St. Clair, District III
Carlton Teague, District IV

ABSENT:

Melvyn Salter, Chairman

The Cherokee County Commission met in regular session on the date specified above. Bills were reviewed and approved as per attached at month's end.

Discretionary funds were expended for the following purposes and for the following amounts by the following commissioners individually or collectively:

Commissioner Sprouse - District One Account # 11291

1. None

Commissioner Parker - District Two Account # 11292

1. None

Commissioner St. Clair - District Three Account # 11293

1. None

Commissioner Teague – District Four Account # 11294

1. None

1. Vice-Chairman Carlton Teague called the meeting to order.
2. The Vice-Chairman asked for Public Comment From Citizens:
 - Mr. Barry Bailey spoke to the Commission in favor of 1% sales tax increase for education.
 - Mr. Tab Chandler spoke in opposition.
 - Mr. Samuel Scroggins spoke in opposition.
 - Mr. Wiley Bailey spoke in favor.
 - The Chairman asked if anyone else wanted to speak. There was none.
3. Public Comment from other Elected Officials: None
4. Roll Call to Establish Quorum:
 - District I, Commissioner Sprouse – Present
 - District II, Commissioner Parker – Present
 - District III, Commissioner St. Clair – Present
 - District IV, Commissioner Teague – Present
5. Motion by Wade Sprouse, second by Elbert St. Clair to approve the agenda for the July 25, 2011 regular meeting. Passed 4-0.
6. The Vice-Chairman led the Pledge of Allegiance to the American Flag and Attorney Ken Webb gave the Invocation.
7. Awards and Presentations: None
8. Motion by Kimball Parker, second by Wade Sprouse to approve the minutes as published for the June 11, 2011. Passed 4-0.
9. Reports from Staff:
 - County Administrator Tim Burgess- None Submitted
 - County Engineer Corey Chambers – None Submitted
 - County Attorney Bill Hawkins– None Submitted
 - County Sheriff Jeff Shaver- None Submitted
10. Public Meetings: None

11. Old Business: None

12. New Business:

- A. Motion by Wade Sprouse, second by Elbert St. Clair to approve the attached Resolution to request a continuance of the 90% federal participation in recovery level participation. Passed 4-0.
- B. Motion by Kimball Parker, second by Wade Sprouse to approve the mileage reimbursement rate payable to persons traveling in privately owned vehicles on official business for the county is 55.5 cents per mile as set by the state. Passed 4-0.
- C. Motion by Elbert St. Clair, second by Kimball Parker to approve excess land redemptions to Reba Ray in the amount of \$252.63, Reba Ray in the amount of \$35.47. Passed 4-0.
- D. Motion by Kimball Parker, second by Wade Sprouse to approve the attached agreements for resurfacing County Road 45 in the amount of \$85,410 and County Road 19 in the amount of \$113,834 as presented by County Engineer Corey Chambers. Passed 4-0.
- E. Motion by Wade Sprouse, second by Elbert St. Clair to accept the resignation of Ms. Marilyn Williams for the library board and announce appointment will be made at the August 22, 2011 regular meeting. Passed 4-0.

13. Discussion Items by Commissioners: None

14. Executive Session

1. Preamble.

- 2. The Vice-Chairman stated the Reason for Executive Session: Discussion with County Attorney – legal ramifications and legal options (Section 7a, 3 of Act 2005-40); in this case as to how it relates to pending litigation.
- 3. County Attorney Bill Hawkins Stated that this is a valid reason under Alabama Law (Section 7a of Act 2005-40) to go into Executive Session.

4. Motion by Kimball Parker, second by Wade Sprouse to go into Executive Session.

5. A Roll Call Vote Was Taken:

- Commissioner Sprouse - Yes
- Commissioner Parker - Yes
- Commissioner St. Clair - Yes
- Commissioner Teague - Yes

- 6. Motion by Kimball Parker, second by Elbert St. Clair to reconvene the meeting. Passed 4-0. Upon reconvening the meeting Wade Sprouse made a motion to recess the meeting until Wednesday at 4:00 p.m. so that the Commission could hear from residents at a public forum on a proposed 1% sales tax increase. Kimball Parker seconded the motion. Passed 4-0.

MEETING RECESSED UNTIL WEDNESDAY JULY 25, 2011 at 4:00 PM

JULY 27, 2011 4:00 PM: MEETING RECONVENED

The Commission reconvened its meeting on Wednesday, July 27, 2011 at 4:00 p.m. in the meeting chamber. The Vice-Chairman called for a motion to reconvene. Motion by Kimball Parker, second by Wade Sprouse to reconvene the meeting. The motion passed 4-0.

The Vice-Chairman stated that there was a need to go into executive session.

The Vice-Chairman stated the Reason for Executive Session: Discussion with County Attorney – legal ramifications and legal options (Section 7a, 3 of Act 2005-40); in this case as to how it relates to pending litigation.

County Attorney Bill Hawkins Stated that this is a valid reason under Alabama Law (Section 7a of Act 2005-40) to go into Executive Session.

Motion by Wade Sprouse, second by Elbert St. Clair to go into Executive Session.

The Vice-Chairman called for a roll call vote:

- Commissioner Sprouse - Yes
- Commissioner Parker - Yes
- Commissioner St. Clair - Yes
- Commissioner Teague - Yes

After meeting in the executive session, the Vice-Chairman called for a motion to reconvene. Motion by Kimball Parker, second by Elbert St. Clair to reconvene the meeting. The motion was passed 4-0.

The vice-chairman called on attorney Bill Hawkins to read the terms of a conditional agreement with the Board of Education. Attorney Hawkins read the terms.

Commissioner Parker asked Superintendent Brian Johnson to approach the podium. Parker then asked Mr. Johnson to consider if the board planned to reinstate the teachers who were cut from 10 month to 9 month contracts be brought back to their 10 month contract. Mr. Johnson said if there were enough funds this could be accomplished.

Commissioner Teague asked Johnson if this would open up the agriculture department at Sand Rock. Johnson replied that it will re-open agriculture and consumer science at Sand Rock and Gaylesville. Teague asked if this included cosmetology, collision repair and carpentry. Johnson replied that they would be restated except for the art program.

Commissioner Parker then asked BOE member Mark Gossett. Gossett replied he did not have a problem with that if they could afford it. Don Stowe said he did not have a problem if they could afford it. Dewandee Neyman said other employees in the past had their contracts reduced and they would have to look at it.

Commissioner Wade Sprouse made a motion to pass a 1% sales tax for one year pursuant to code 40-12-4 through 40-12-7 Code of Alabama. However there will be an election set for the first Tuesday in June for the people to vote to extend or end this tax and all this being subject to an agreement to the terms of the Board of Education. The tax will begin October 1, 2011. Elbert St. Clair seconded the motion. The Vice-Chairman called for discussion. Commissioner Parker stated that if there was enough money to extend those employees back to 10 months from 9 months that that be put in the draft. Johnson then stated the cost would be \$83,969.20.

Commissioner Teague then stated that these tough times, sales tax is down, and the economy is struggling. We heard everyone's voice that came and spoke. We have to look at our children. College is not for every child and the Career Tech School is very viable to our county and we need to do what we can to keep it open and that's what we are here trying to do and keep agribusiness in check. He then thanked everyone for coming and hopes we can move on and see that this school keeps on going like it should.

The Vice-Chairman then asked for a roll call vote:

- Commissioner Sprouse - Yes
- Commissioner Parker - Yes
- Commissioner St. Clair - Yes
- Commissioner Teague - Yes

The Vice-Chairman called for a recess of the meeting to formally draft an ordinance until Friday, July 29, 2011 9:00 A.M. Motion by Kimball Parker, second by Wade Sprouse to recess the meeting. Passed 4-0.

Superintendent Johnson expressed his thanks.

MEETING RECESSED UNTIL JULY 29, 2011 at 9:00 AM

JULY 29, 2011 9:00 AM: MEETING RECONVENED

On Friday, July 29th at 9:00 AM the Chairman asked for a motion to reconvene. Motion by Carlton Teague, second by Elbert St. Clair to reconvene the meeting. Passed 4-0.

The Chairman stated that the purpose for the meeting is presenting the ordinance for adoption of the 1% sales tax for education. Motion by Kimball Parker, second by Wade Sprouse to adopt the ordinance.

The Chairman then asked for a roll call vote:

- Commissioner Sprouse - Yes
- Commissioner Parker - Yes
- Commissioner St. Clair - Yes
- Commissioner Teague - Yes

Wade Sprouse then made a motion to amend his motion concerning the 1% sales tax. The amendment is to move the election from June to the March ballot to save the taxpayers money. Sprouse said he had talked with the board and they were good with this and it would give them more time to get things in place. Second by Carlton Teague to amend the motion.

The Chairman then asked for a roll call vote:

- Commissioner Sprouse - Yes
- Commissioner Parker - Yes
- Commissioner St. Clair - Yes
- Commissioner Teague - Yes

15. Motion by Kimball Parker, second by Wade Sprouse to adjourn meeting. Passed 4-0.

There being no further business to come before the board, the meeting was adjourned subject to call.

Wade Sprouse, District I

Melvyn Salter, Chairman

Kimball Parker, District II

Elbert St. Clair, District III

Carlton Teague, District IV