

No records found to show Eiler Road is a "public" road

By Tommy Campbell
The Choctaw Sun

BUTLER — Marvin Turner, his father, and others in the Melvin community who are upset over a locked gate being installed across the Eiler Road, found out Monday that the county apparently has no control or say-so in the matter because the dirt road is not considered a "public" road, according to a search of records on file in the Courthouse.

Attorney Lee McPhearson reported at the March 12th meeting of the board that his search turned up no records to show that a deed or right-of-way easement has ever been granted to the county in return for the upkeep of the road as a public thoroughfare.

The road, which is located off Plantation Drive north of Melvin, has, however, been maintained at various times by

former Commissioners, the last of which was Commissioner E.C. Arrington, Turner said.

"Obviously, though, these people have a problem in getting to their property," McPhearson stated.

"What do I need to do to get that gate down where I can get to my land?" Turner wanted to know.

"I suggest you contact a lawyer," McPhearson said, adding that since there is no record of a deed or easement to the county, there is nothing the Commission can do.

"I don't think none of these public dirt roads are deeded to the county," Commissioner Dandy Brown commented.

Turner said that former Commissioner Arrington graded the road three or four times a year during his tenure.

Mr. Turner's father commented that, at one point back in the 1920's and 1930's, the

area was home to a large sawmill operation which had its own railroad, stores, and even a U.S. Post Office.

"That road's been graded all of my lifetime," he said.

His son said that they, and other landowners, are now effectively "locked out" of being able to access their property.

"We don't have any other access," he said. "I am landlocked around me. The people who want to lock the gate have access to my land but I don't have another access road."

Probate Judge D'Wayne May said that they could get an attorney to file a petition in Circuit Court to try and establish whether or not the road is indeed a public road.

"If it can be established that the county has any legal right to do this we will take the appropriate action," May assured the Turners.

"But how will we get to our

land?" he asked. "That will take time."

May said that, unfortunately, this is not a simple "yes" or "no" situation.

"The county has no right to move a gate that is on private property," he said.

Turner said he believes that some people who have leased the land for hunting purposes installed the gate.

Commissioner Clyde Dixon, in whose district the road is located, said he contacted a forester for the Land family, which owns a large tract of the property in that area, and he was told that there was no intent by the owners to keep other property owners from accessing their own land.

"He said they did not give permission for a gate to be put up, but neither had they told anybody they couldn't get to their land," Dixon said.

Turner said that he and

others who have gone into their property after finding the gate open, have later found themselves locked in with no way out.

Also at its Monday meeting, the board agreed to discuss with its current uniform rental company the possibility of continuing its now-expired agreement at the same rate for a one-year period, if the company agrees to do a better job of replacing worn-out, damaged, or "seasonal" uniforms in a more timely basis.

Commissioner Dixon said the men in his crew are in "dire need of new clothing." However, Dixon said at an earlier meeting that the men have been laundering their own uniforms rather than dropping them off for the company to clean and repair because they were unaware that the cleaning service was included in the agreement.

BOE

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an amount equal to about three tenths of one month.

According to financial records, the county system ended Fiscal Year 2006 with a balance of \$285,616 in the General Fund, meaning that the Board must recover some \$842,094 and put together a plan that would allow the maintenance of \$1,127,710 in operational reserve funds.

Choctaw County's inability to comply with the Accountability Act stems, in part, from a constitutional amendment that was passed by Alabama voters last November. The amendment mandates that each school system contribute at least 10 mills in tax revenue to the state for salaries for teacher units.

Choctaw County levies 14 mills for education, an amount that more than exceeds the required millage. But because a significant portion of the county's school tax revenue is being used to pay for the new schools that were constructed two years ago, Choctaw County has only 8 mills remaining, leaving a substantial amount of revenue that must be paid to the state out of local funds.

In addition to the funding going to the state to comply with the new amendment, the school system could also be seeing problems because of salaries that exceed the amount paid through the state.

Alabama Assistant Superintendent of Education Craig Pouncey told the Sun last week that the state would allow 2 years for the county to correct the problem. After that time frame had elapsed, Pouncey said, the state could take over the financial operation of the system.

The Recovery Plan proposed by the state and submitted by Moore on Tuesday evening held the following recommendations:

- Elimination of 2.88 locally funded positions through attrition or reassignment to save approximately \$172,800.
- Elimination of four custodial positions that

are probationary employees for a savings of \$100,000.

- Elimination of the instructional aide program that currently employs 16 aides with salaries paid by several sources, for a savings of \$480,000. The proposal also stipulates the re-hiring of necessary personal care special education, library, and computer lab aides, however.
- Elimination of a non-certified position in the central office through attrition (such as retirement), or reassignment to another position that would be paid for from other sources.
- Reduction of career tech expenditures to the required amount to accommodate maintenance of effort. Cancel all extended contracts in that department (Contracts that exceed the 187 days that are paid through state funds). Staff would be hired only for the state-required length of contract instead of the longer contracts now being used. Extended contracts required that local funds be used to make up the difference.

The proposed plan would save the county system a total of \$792,800. Board members discussed a variety of issues that would affect the system's compliance with the Act, including a discrepancy in the time frame allowed for compliance. Alabama Education Association (AEA) District Uniserve Director, Cynthia Older, addressed the group about the issue, stating that the state department was aware of the circumstances affecting Choctaw County's compliance with the law.

"There is no date of compliance stated in that Act," Older told the Board. "We (the AEA) have been in touch with the state department. They have acknowledged that the county cannot make up the \$842,094. They are also aware that we've built beautiful new schools here."

"This problem didn't happen overnight and can't be fixed in 1 or 2 years," Older added. "I find this plan recommended by the state to be very short-sighted."

Older suggested other means of gaining funds for the school system, including calling in money owed on school properties sold by the BOE in the past 2 years.

BOE member Turk Phillips, who was acting as Chairman for the meeting in the absence of Chairman Isaac Johnson, spoke up following Older's comments.

"The state department does have a say in this," Phillips said. "We have to make some tough decisions. We've got to

come up with 800 and something thousand dollars. We have to make an effort to do this."

"But you don't have to do it now, or even this year," Older responded.

"Mr. Pouncey said we have 2 years," interjected Moore. "If not the state will come in."

Local resident Yvonne Hampton suggested bringing some officials with the state department to the county to discuss the problem.

"They will be coming to our work session that is coming up," Moore responded.

BOE member Ronald Hampton asked about the possibility of using some of the funds that may be coming to the county through Governor Bob Riley's proposed bond issue. With the funds earmarked for construction projects, Hampton asked if it would be possible to use the bond issue to pay off existing debt on the construction of the new schools, reverting funds currently being used to pay that debt to the General Fund to satisfy the Accountability Act.

"It depends on the wording of that law when it is passed," Moore explained. "We just don't know what it will allow yet. Right now it is for capital improvement plans for new construction." (See related article in this issue.)

"They are saying that we are overstaffed," interjected BOE member Wayne Taylor.

"What they are saying is that the only way to recoup this money is through salaries," Moore explained. "I'm not saying we are overstaffed. I was a principal — I know we need these people. But we have to take steps to make this happen. We won't do anything that we don't absolutely have to do."

Moore added that if a resolution is passed, it would not take place until next year.

"We are not firing anyone," she emphasized.

Moore told the board that a plan had to be submitted to the state by March 31. However, board members did not accept the proposed plan, defeating it by a 2 to 2 vote, with Turk Phillips and Ronald Hampton voting against it and Sharon Shepherd and Wayne Taylor voting in the affirmative.

The board set aside a work session for April 3 in order to further discuss their options in working toward an acceptable Recovery Plan. According to Moore, representatives from the state will be asked to be present for the session.

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District Court docket for March 20

BUTLER — A total of 138 cases are tentatively set for hearing before Judge D.P. Scurlock III in the District Court of Choctaw County on March 20, 2007. Court begins at 9 a.m.

Hunting after dark — Herman Oneal Pipkins.
Unlawful use/possession of drug paraphernalia — O.B. Baskin.

NWNI — Patrick Lashawn Blakely.
NWNI — Marcia Brackett.

NWNI — Marcia Brackett.
NWNI — Marcia Reconda Brackett.

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Assault (3rd degree) — Melissa Causey.

Public intoxication — James Clinton Crosby.
Hunting after dark — Stacey Darlene Ford.

Hunting after dark — Terry Dwayne Ford.
Theft of property (3rd degree) — Willie J. Foster.

Harassment — Charles Ray Gibson II.
Assault (3rd degree) — Roxie Godfrey.

Harassment — Albert Graham.
Unlawful possession of marijuana (2nd degree) — Ashlee Nicole Hendley.

Assault (3rd degree) — James Hill, Jr.
NWNI — Edd Bailey Hudson.

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Harassment — Bernadett Kirksey.

NWNI — Frederick Allen Logan, Jr.
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Assault (3rd degree) — Greg Ray.
Hunting over bait — Bruce F. Reeves.

Hunting over bait — Jeri Donald Reeves.
Hunting over bait — William Earl Reeves.

Hunting without a non-resident license — William Earl Reeves.
NWNI — Frank Norris Rogers.

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NWNI — Frank Norris Rogers.

NWNI — Frank Norris Rogers.
Unlawful use/possession of drug paraphernalia — John Steel.

Hunting over bait — Terry Lynn Summerlin.
Assault (3rd degree) — Deandra Montez Thompson.

Failure to participate in solid waste program — Michelle Thornton.
Failure to participate in solid waste program — Keith Tuck.

Promoting prison contraband — Tonya Bonner Turner.
NWNI — Christy Mazingo Tyson.

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Theft of property (3rd degree) — Sarah Reshon Watts.

Unlawful possession of marijuana (2nd degree) — Roderick Deon Whitted.
NWNI — Reco L. Williams.

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Theft of property (3rd degree) — Joe Louis Wilson.

Criminal trespass — Anthony Abston.
Public intoxication — Jarrod Lee Boykin.

NWNI — Anika D. Brown.
NWNI — Sally Mae Gaines.

NWNI — Sally Mae Gaines.
Hunting over bait — Frederick Allen Logan, Jr.

Hunting after dark — Frederick Allen Logan, Jr.
NWNI — Patricia Abney Miller.

NWNI — Irene Thomas.
NWNI — Irene Thomas.

NWNI — Irene Thomas.
Theft of services — Lisa Lee.

Harassment — Phillip Turner.
Probation revocation — Tanya Bonner Turner.

Health Dept. violation regarding solid waste — Elizabeth Anthony.
Failure to participate in solid waste program — Willard Harris.

Health Dept. violation regarding solid waste — Vonester Jones.
Health Dept. violation regarding solid waste — Lanette Lewis.

Health Dept. violation regarding solid waste — Lonnie Jean May.
Failure to participate in solid waste program — Jessie McGrew, Jr.

Failure to participate in solid waste program — Joe Mitchell.
Failure to participate in solid waste program — Demark Mosley.

Health Dept. violation regarding solid waste — Mike Reid.
Failure to participate in solid waste program — Kevin Roberts.

Health Dept. violation regarding solid waste — Lashawnda Ruffin.
Health Dept. violation regarding solid waste — Crystal Tanner.

Health Dept. violation regarding solid waste — Herman Thompson.
Health Dept. violation regarding solid waste — James Thompson.

Health Dept. violation regarding solid waste — William Thompson.
Health Dept. violation regarding solid waste — Rodney Thornton.

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POP FRED, MAMA CHRIS
& GRAM