



# The Village Voice

Vol 1, No.11

Indian Springs Village, Alabama

February 4, 1992

## **INDIAN SPRINGS VILLAGE TOWN COUNCIL MEETING Indian Springs School Town Hall Tues., February 11, 1992, 7 p.m.**

### **Agenda**

**I. Mayor/Council Committee  
Reports**

**II. Resolutions/Ordinances**

**III. Citizen's Forum**

(Council meetings are scheduled for the  
second Tuesday each month)

### **Editor's Notes**

*The Village Voice* is the official organ of Indian Springs Village, AL, established October 16, 1990. The primary purpose of this newsletter is to report the monthly deliberations of the mayor and the council in town council meetings as well as to give the mayor and council members the opportunity to communicate with the electorate. In addition, your editor's hope is to foster a spirit of community and cooperation along with fun and fairness. Good neighbors need less legislation. Expenses are covered by the efforts and donations of ISV volunteers. Deliveries are also made at no charge by volunteer couriers.

Address letters to the editor and appropriate news articles to: LaVerne Ramsey, Editor, 530 Indian Crest Drive, Indian Springs, Al 35124. Newcomer information should be reported to Patricia Crapet (985-9205).

*The Village Voice* is published the first Tuesday of the month. Articles for publication in the March, 1992, edition should be submitted by Tuesday noon, February 25. The editor reserves the right to edit all materials submitted for publication. All opinions are those of the author, unless otherwise indicated. All articles not attributed to other writers are written by the editor. Any opinions she expresses are her own and should not be attributed to the Mayor or the council.

### **Editor's Appreciation to:**

The donors who subsidize printing expenses  
Patricia Crapet for circulation (985-9205)  
Dr. Ruth Goodwyn for editorial consultation  
Indian Springs couriers for hand delivery  
Mildred Wyatt for the masthead drawing

## **SNOW BLANKETS THE VILLAGE**

On the day of the great snow, the monthly Litter Walk had already been canceled for fear of frostbite. On January 18, any litter on our Adopt-A-mile stretch of two miles was buried under six or more beautiful inches of pristine, powdery snow. Instead of working on the Cahaba Valley Road, many of our faithful and intrepid volunteers were seen walking around their own neighborhoods enjoying the white landscape. It was a grand break in winter routine, a chance to meet new neighbors and greet older settlers and marvel at the beauty of a Village dressed in bridal white.

Some of the children had sleds that were souvenirs of their parents' youth. A few had space age models, but the ones who improvised with large sheets of cardboard seemed to be having just as much fun. If it snows so gloriously again, head for Patt and Cappy Potters' at the end of Fox Fire Circle. They have a thrilling driveway that curves sharply and descends steeply as the brave go sledding down. On Sunday, they also had enough sleds for all the adults and children to enjoy the thrilling descent. Of course, the trip back up the drive is, no doubt, tops on the aerobic scale of points. That's why there might be enough "turns" for the Potters to share with the whole Village.

Michael Crapet used his tractor to push the snow from his driveway into a huge pile, from which he and Tricia and Russ and Lindsey Allison fashioned the fattest snowman in the Village. Tricia and Michael were among the braver Villagers who took to the road in a vehicle. Tricia reports that the Villagers get high marks for the creativity expressed in the snow sculptures she saw. The Strohmeiers had a 6-7 foot creature that looked like Snoopy. Hazel McGuire and John and Jenny McDonald built a Dolly Parton snow woman. Next time we have enough snow we will have a Village competition-keep film on hand in case of fast melt downs!

## **A SUCCESSFUL SATURDAY**

Everyone learned something new from the dialogue with our Shelby County Senator Frank "Butch" Ellis, and Representatives Al Knight and Mike Hill at the League of Women Voters legislative breakfast January 11. Other dignitaries attending were Probate Judge Thomas Snowden, Sheriff James Jones, School Superintendent Norma Rogers, Mayor Hub Harrington, Fire Chief Winston Boutwell, and

**Community Messenger** Editor Pat Duncan. Al Knight attended at the last minute because his meeting in Washington D.C. had been postponed. This enabled him to explain his position on the expected controversial fire district legislation. See his letter to the editor in this issue.

Kathryn and Homer Coleman were gracious hosts, and helping with the food supply and service were League of Women Voters members Jackie Johnson, Jean Owens, LaVerne Ramsey, Collette Scott of Pelham, Shandra Smith of Heatherwood, and Anne Wilson. The Colemans make it look easy to entertain large groups. Those who gave up a little leisure time found it educational and rewarding to learn more about the governmental process. Ellis, Hill, and Knight took the floor in turn, but all others who wished to speak had the opportunity to discuss their priorities and question the legislators. The funding of education was one of the major concerns.

## **LETTERS TO THE EDITOR**

### **Fire District May Face Lawsuits**

Thank you for sending me a copy of this Month's issue of *The Village Voice*. I commend you for your excellent coverage of items of concern to local residents. Please allow me the opportunity to respond to a letter from Charles Waldrop as well as editorial comments which followed the letter.

To begin with, Charles is absolutely correct--Indian Springs residents do need to be aware of problems surrounding our fire and emergency medical services. As he is aware, there is a large amount of fire district property which has been annexed into surrounding municipalities, primarily Hoover. He is also aware of the fate of other fire districts in Alabama which have been through this dilemma. Class action lawsuits have been filed and because the land in question usually produces the majority of the revenue, the district is destroyed or decimated and too often those outside the annexing municipality are left without protection.

We are fortunate that, thanks primarily to the efforts of Jack Van Pelt, our law seems to be somewhat stronger than those of other districts and no challenge has been filed as yet. There is, however, no guarantee that those who are paying taxes to a municipality as well as dues to NSFD (North Shelby Fire District) will not do so and soon. (Some are paying as high as \$127,000 to NSFD and \$400,000 in property taxes to a municipality.)

Charles states in his letter that I am responding to pressure from those who are in this situation of double taxation;

he's right--but not as he insinuates. The pressure is one of protection for those of us who are potentially at risk. My concern is to ensure perpetual, reasonably priced fire and medical service for all of us--not to protect someone's turf. Those who choose to wear blinders to this potential disaster are, at best, irresponsible.

A comment about the legislative process: any attempt to develop a consensus legislation begins with...a beginning. The bill which was advertised last year was just that--a beginning. The Legislative Reference Service in Montgomery provided that first effort based on laws applying to other parts of the state, then it was advertised to provide it as public information. Revisions will be offered, then a decision will have to be made as to whether the bill will be introduced. That decision will likely be made after activities such as public hearings are held as well as meetings with various constituencies. The process is very important as it provides for consensus decisions rather than unilateral ones.

I referred earlier to "us". No person or group has any more at stake in this than does my family. Jack Van Pelt, Jim Wyatt, and others will verify that my wife Martha and I worked the telephones as well as visited door-to-door throughout the area when we were attempting to sell the voters on the idea of this visionary idea of Jack's. Prior to that I recall working closely with then Representative Jabo Waggoner and then Senator Doug Cook to ensure passage of the enabling legislation to provide for that referendum.

Through Jack's leadership, with others along the way including Charles Waldrop, we have enjoyed protection as good as any in the state--not to speak of the savings in our annual homeowners insurance rates. My family and my neighborhood know first-hand the excellent service provided by Chief Boutwell and his well trained professionals--our property and our lives have been in their well trained hands on more than one occasion. To even hint that I do not have the best interests of this service and this area at heart is nothing short of preposterous.

A final word about the author of the letter, Charles Waldrop. Charles identified himself as a member of the NSFD Board of Trustees, which is, of course, correct. He neglected to tell you that he also is one of those volunteers who responds to the call no matter the hour, pulls on his boots and helmet, and lays his life on the line to help protect the rest of us. I have said that Jack Van Pelt, Jim Wyatt, and others provided the leadership to provide the fire protection we enjoy, and that is so; but without the volunteers such as Charles Waldrop, we would not have provided it so completely. But Charles, to say that you have tried to meet with me without success--you know and I know, that is *not* so!

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I realize that I have been somewhat lengthy in my reply, and for that I apologize. Also, there may be questions which remain unanswered and if that is the case, please call on me at any time. I do thank you, however, for providing me this opportunity to share this information.

**-Al Knight**  
**Alabama House of Representatives**

### **Fire District on Firm Legal Ground**

The objective of the fire district bill published in *The Shelby County Reporter* in June of last year would be to emasculate the North Shelby Fire and Emergency Medical District by eliminating a major portion of the revenue structure of the present district. That bill was very badly drawn, and I do not propose to discuss it. There is a probability, however, that another bill will be proposed during the next legislative session.

The underlying principles as they relate to the argument of double taxation should be clearly understood. The voters within the described boundaries of the NSFD approved its establishment in 1977. It was pointed out to the voters at that time that property owners would save substantially in insurance premiums and also have emergency medical assistance available. At the time, the proposed district had no assets, so it was obvious that it would require funds in the form of loans. In order to protect the lenders, it was essential that the enabling legislation provide protection against neighboring municipalities' encroachment that might damage the financial integrity of the fire district. As successful as the district has been, it still has unpaid bank loans. As it improves its protection within its legal boundaries, the district will need to borrow additional funds to replace present equipment.

The original establishment of the district might be equivalent to a deed restriction. As property changed hands at increasing values due to the existence of the fire district, the commitment to support the district still entails to the property. Purchasers, almost without exception, have been aware of this commitment and have made the acquisition after factoring in the cost of the fire service charge. To try to get the legislature to eliminate this continuing obligation smacks of an immoral move on the part of those whose property values were enhanced by the original organization efforts.

Two other points need clarification. A property tax for general services of a city or other governmental entity is not the same as a service charge. As an example, when a municipality annexes an unincorporated area, the county tax which supported the sheriff's operation is not diminished even though the city generally provides police protection. Possibly, one might quibble and say that is double taxation. Al Knight cites an example, which I am certain applies to only one (not some) individual property

owner. The property in question must be the Inverness Country Club facilities and the Inverness office building complex. Taylor & Mathis of Alabama manages these facilities owned by Metropolitan Life which were annexed by Hoover, but the annexation has practically no single-family residences. Those property taxes not only support the heavy city administration, but also the schools. With no children in the schools why would the Inverness developers be inclined to subject themselves to such a deal? The answer is that it was a deal. The Inverness developers stuck the citizens of Shelby County with a horrendous Hoover sales tax levy by trading off the annexation of the property to be occupied by several major retail establishments. This was in order to get Hoover's assistance in helping Taylor & Mathis to overcome a difficult sewerage problem. For regular shoppers in those Inverness stores, the annual city sales tax bill far exceeds any NSFD charge.

One disconcerting point is that the means by which the annexation of the non-residential portion of Inverness was accomplished has not been tested in the courts. Hoover has used the long lasso mechanism both for the Inverness acquisition, as well as others, and is continuing to inch its way through North Shelby County. Possibly the class action suits that Al Knight referred to should be used to undo more than one North Shelby annexation. Or possibly he should ask for legislation that would undo long lassoed acquisitions, particularly any since the origin of the case upon which the courts have already ruled.

In passing, the annexation and incorporation sections of the Alabama Code need better interpretations so that they are compatible and in keeping with present needs. The term *homogeneous* has never been defined by the courts. To my mind, homogeneous requires ready access for services, i.e., public roads. Furthermore, the term contiguous was defined by a court long before interstate highways cut off one territory from another. That should be redefined in the light of current conditions. Finally, any annexation based upon a public waterway (Birmingham's use of the Cahaba River as a lasso to acquire property south of Interstate 459) should have never been allowed.

**Jack Van Pelt**

### **LEAGUE OF WOMEN VOTERS, SHELBY COUNTY UNIT**

**Feb. 20--Shelby County Unit LWV Meeting**  
7:00 p.m., Thursday

Hostesses Virginia Rancont and Emily McAdory  
5300 Mountain Park Drive, Indian Springs Village  
Guests and prospective members welcome  
For information call LaVerne Ramsey, 988-0059

## JANUARY TOWN COUNCIL MEETING HIGHLIGHTS

The ISV Town Council met on Tuesday, January 14, at 7:00 p.m. in the Town Hall of Indian Springs School. Mayor Hub Harrington presided, with council members Patricia Crapet and Gary Dennis present. Since there was not a quorum present, the December minutes were tabled until February.

The temperature was below freezing, but many faithful Villagers attended. Students from a Pelham High School government class were there, and some members of Boy Scout Pack 71 attended with their leaders.

Mayor Harrington reported that Councilman Ron Luster had again met with the Alabama Department of Environmental Management (ADEM) to find the least expensive way for ISV to comply with the requirements of the Federal Clean Air and Water Act. It seems that the lowest cost to ISV would be to pay for its share of test points along its waterways rather than an amount based on its share of the county population of the county. Luster and the mayor are negotiating with Shelby County to get minimal costs since ISV has no industrial areas. They hope the costs will be considerably lower than the \$5000 previously estimated. If a tax is needed to fund this expense, a tax on utilities' services may be the most feasible. The mayor is checking with the utility companies' representatives to estimate revenue projections.

Councilwoman Patricia Crapet reported road fund receipts of \$516 and beer tax distribution of \$471 for the month. December donations to pay printing expenses of *The Village Voice* were \$300.

The mayor updated the status of the lawsuit against Pelham for its annexation of a portion of the town. A hearing on December 19 resulted in Judge John Rochester's requesting that a settlement be negotiated within 30 days. If no agreement is reached, the judge will then rule on the case.

**ATTENTION:** When attending ISV town meetings, please park **only** in designated parking areas. During basketball season we have been asked not to park in the lot nearest the gymnasium and the cafeteria. Indian Springs School has been most generous with its facilities for town activities. It is a resource that we cannot replace, so please be accommodating guests.

## PERSONALS

**CPA/Councilman Gets Timely Tax Deduction**  
Kathy Dudley, mindful of Stewart's preoccupation with tax benefits, delivered their third child, a son, on December 30, 1991. He was not due until 1992. Steven Richard joins proud siblings Kyle, 7, and Linden, 4 1/2.

### 100 Years of Marriage Celebrated in the Village

For 28 years Villagers Margaret and Jim Roy of Mountain Park Drive have shared a wedding anniversary date with her parents, Walter and Wiley Howard. This January 11 was the Howards' fiftieth. Margaret's brother Jim and his wife Mimi were also married on that date to keep family tradition, and the years the three couples celebrated at their anniversary party at the Roys' totaled 100. Congratulations!

### Proud Grandparents

Tom and Jenny Maxwell of 1730 Indian Crest Drive are the proud grandparents of a first grandchild. Alissa Noelle Cole was born January 15 to their daughter, Christi Noelle, and Jeremy Dewayne Cole of Gardendale.

### Continuing Generosity

A most welcome and generous contribution to the expense fund for printing *The Village Voice* was sent by Henry and Diane McBride of 162 Skyline Drive with their directory information. Thank you! Much appreciation is also due the silent supporter who gave \$100. We do not mention amounts except in the case of anonymous donors, for that is the only way we can send appreciation in the right direction. Thank you!

### Newcomers

The Village welcomes Dr. David D. Freeman, pastor of the Indian Springs First Baptist Church, and his family. Dr. Freeman, his wife Kelly, and two daughters, Challice, 6, and Hannah, 2, are new residents at 5243 Old Mill Circle.

*When I was eighteen, I registered for the draft, entered college, held down a job, got married, and voted. If there was anything I wasn't ready to do, it was vote.*

—Lewis Grizzard

*Always forgive your enemies—nothing annoys them so much.*

—Oscar Wilde