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## Back on the ballot

**By Lionel Green**

The Reporter

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GUNTERSVILLE — The Marshall County Commission withstood a barrage of questions and accusations by property rights advocates for more than two hours during a marathon work session Thursday.

Many in the audience of about 25 people were either involved with property rights groups or supporting their causes, including some from as far away as Tuscaloosa and Jackson counties.

Most of them peppered commissioners with questions and criticisms about the Limited Self-Governance Act (LSGA) and enforcement of the ensuing junk ordinance.

One woman denounced the commission, calling enforcement measures “a terroristic tactic.”

The woman, Jean Tresch, was at the center of a junk ordinance case earlier this year. She faced a \$150-per-day fine if she failed to clean up her land at 2550 Eleven Forty Road. She eventually cleaned up her property enough to get the case closed without having to pay any fines.

Tresch, though, is still angry over the ordeal. Her emotions welled up when discussion veered toward county enforcement officer Tommy Cole and whether or not he intimidated residents.

“The first time Mr. Cole came to my house, I almost had a heart attack,” Tresch said. “Yes, it is very intimidating. I’d call it a terroristic tactic.”

Her volume level escalated when she told the commission, “If you lived my life one day, you’d leave me alone forever.”

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Commissioner Bill Stricklend asked to have Tresch removed, but she volunteered to remove herself and walked out.

Cole is one of two enforcement officers who respond to junk complaints and had to defend himself several times from accusations of harassment, intimidation, targeting poor people and not following procedures outlined in the law.

Paul Brothers, chairman of the Marshall County Citizens for Property Rights (CPR), said Cole is not following procedures outlined in the junk ordinance and indicated the veteran law enforcement officer intimidates residents.

"Have I ever intimidated you?" Cole asked Brothers.

"No," Brothers said.

Cole also responded when someone said he targeted poor people. He noted he had been in law enforcement 44 years and stood by his reputation.

"I would never do that," Cole said. "I have helped many a poor person."

Brothers spoke several times, pounding home his arguments that the LSGA passed in 2006 because of light voter turnout during a primary election and a ballot with deceptive language. He and many others in the audience want the referendum to be held during a general election, which historically has heavier turnout, and to include a clear explanation of the measure on the ballot.

The junk ordinance is different. The LSGA actually gave the Commission authority to adopt the junk ordinance and address other issues like weeds, animals, litter, noise, sewage and pollution in the unincorporated areas of the county.

The junk ordinance, adopted in 2007, is the only one passed by the commission so far.

Although the commission cannot levy taxes or establish a zoning program under the ordinance, it can impose fines upon violators. So far \$150 in fines have been collected and only one case has reached the courts.

All four commissioners and the chairman indicated they support action to place the LSGA on the ballot again in 2010, which is the earliest time frame that a referendum could come up for a vote. But they were firm in their stances to enforce the law on the books.

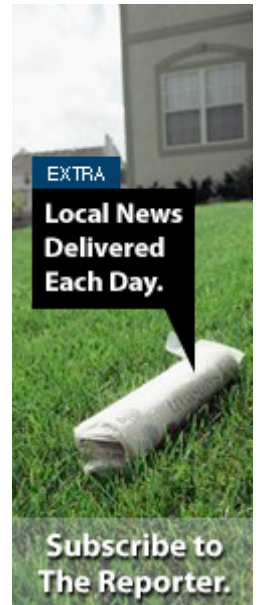
Stricklend said the people voted for the LSGA, adding, "I assure you if they vote it down in 2010, that'll be the end of the conversation."

Bollinger told the naysayers to challenge the law in court.

The two new commissioners, James Maze and Richard Kilgore, reiterated they were sworn to uphold the law.

Some in the crowd noted residents in the towns of Douglas, Grant and Union Grove voted on the LSGA referendum in 2006, indicating the election was tainted because only registered voters in unincorporated areas of the county should have been allowed to vote.

But according to election figures provided by the commission, even if you



remove the residents who voted in those three towns, the LSGA still would have passed and by more votes. The final tally was 4,351 in favor of self-governance and 3,921 against — a 430-vote difference.

Take away the votes of the three towns, the total is 4,043 to 3,398 — a 645-vote advantage.

A number of residents voiced their problems with the junk ordinance.

Barnes criticized the commission for not having accurate junk ordinance records and not verifying complaints. For example, she said one complaint against Tresch involved a “bogus address.”

Barnes also showed Strickland and Maze some photographs of Cole’s property and Commissioner Tim Bollinger’s District 4 shop. Barnes was trying to prove her point that county officials need to clean up their own property before worrying about other residents. Commission Chairman Douglas D. Fleming told her to file a complaint.

Barnes said the people spoke during the Districts 2 and 3 elections, referring to both incumbents losing their bids for re-election this year. She said the people will speak again in two years in Districts 1 and 4 and the chairman’s seat.

Another resident, Jim Elliott, is tangling with county officials over the junk ordinance now and told the commission about his problems.

“We’ve had to sell stuff that’s not junk just to get you off our back,” Elliott said.

Resident Doris Edmonds wondered why the grandfather clause is not applicable to the junk ordinance. The clause normally allows exemptions for existing conditions when new rules are implemented.

Danny Hembree wore a T-shirt with the words “Flush Home Rule.” Outside the courthouse, he brought a sign with a commode attachment sending the same message.

Hembree, of Tuscaloosa County, said his county has self-governance and his commission is considering a junk ordinance, which is why he plans to follow the fight in Marshall County. His shirt advertised a Web site for the Tuscaloosa County Property Rights Alliance.

Resident Diamond Woodworth said she supports ordinance enforcement, noting she understood the wording of the referendum when she voted for the measure in 2006.

Many of the arguments between the commission and the property rights advocates were rehashings of past discussions.

Cole retold his encounter with a man who died shortly after a visit from him and his partner. Others criticized the commission and Cole for what they deem as selectively enforcing the ordinance by targeting the poor and elderly.

At least two people in the audience said the LSGA is an extension of a United Nations policy called sustainable development, which is a socio-economic environmental concept unpopular with property rights advocates.

Some residents attended the work session to discuss a critical petition drive letter sent by CPR to Grant residents just before the Nov. 4 general election. During a meeting last month, Fleming said the letter was full of inaccuracies, and some in the audience pressed him to explain himself.

At times, the discussion drifted into tedium as they argued, at one point, over the various dictionary definitions of the word "governance."

Brothers passed out fliers before the work session listing the 19 counties, including Marshall, that have adopted the Limited Self-Governance Act.

His group's Web site is [www.marshallcountycpr.org](http://www.marshallcountycpr.org) and visitors can read the junk ordinance there.

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