

July 22, 2013

The Marshall County Commission met in regular session on Monday, July 22, 2013 at 10:00 a.m. in the Marshall County Commission Chambers.

PRESENT WERE:

James Hutcheson, Chairman
William H. Strickland, III, Dist. 1 Commissioner
R.E. Martin, Dist. 2 Commissioner
C.W. "Buddy" Allen, Dist. 3 Commissioner
Shelly Fleisher, County Administrator
Jennifer Lewis, Commission Clerk
Bob Pirando, County Engineer
Karen Young, Administrative Assistant

NOT PRESENT:

Tamey Hale, Dist. 4 Commissioner

RSVP Director Jean Ann Moon presented the annual report for RSVP for FY2012. After presenting the annual report Mrs. Moon introduced Mrs. Mildred Stroud for her outstanding participation in being a volunteer for 25 years with RSVP.

Chairman Hutcheson called the meeting to order and Brother Marvin McCormick of Henryville Methodist Church delivered the invocation. Commissioner Allen led the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve the consent agenda as read by Chairman Hutcheson. The consent agenda includes the minutes from the July 8, 2013 commission meeting and the claim docket for July 3, 2013 – July 17, 2013 in the amount of \$812,692.09.

DISTRICT 1 – APPROVE FINANCE AGREEMENT WITH ALDOT/MARSHALL COUNTY FOR WARRENTON ROAD ATRIP PROJECT

A motion was made by Commissioner Strickland, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve the finance agreement with ALDOT and Marshall County for the Warrenton Road ATRIP Project. This project runs from Blount County line to Fry Gap Road. The bid letting is scheduled for July 26, 2013 and has a projected cost of \$855,000.

DISTRICT 3 – APPROVE SPEED LIMIT FOR OLD ONEONTA ROAD

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve 35mph speed limit for Old Oneonta Road.

APPROVE PAYMENT OF SIREN UTILITY BILLS AND REPAIR PARTS

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin with Commissioner Strickland voting nay and so carried to approve payment for siren utility bills and repair parts. This is to be paid from countywide effective FY2014.

COA – APPROVE TRANSFER OF \$2,900 TO MED WAIVER GRANT TO COVER UNANTICIPATED PHONE BILL FROM CONTINGENCY FUND

A motion was made by Commissioner Martin, duly seconded by Commissioner Strickland, all members voting affirmatively and so carried to approve transfer of \$2,900 to the Med Waiver Grant to cover unanticipated phone bill. This will be paid from the contingency fund.

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EMA – APPROVE APPLICATION FOR DISASTER DAMAGE ASSESSMENT SOFTWARE TO BE INCLUDED IN COUNTY WIDE BUDGET FOR FY2014

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin with Commissioner Stricklend voting nay and so carried to approve signing of the application for disaster assessment software. This will be included in the countywide budget for FY2014 in the amount of \$4,500 to be paid from the countywide fund.

DISTRICT 1 – APPROVE SPEED LIMIT FOR HAMPTON LANE

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve 20mph speed limit for Hampton Lane.

DISTRICT 2 – APPROVE SPEED LIMIT FOR DAVIS HILL ROAD

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve 30mph speed limit for Davis Hill Road.

APPROVE AMENDMENT TO COUNTY LIFE INSURANCE POLICY

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve amendment to county life insurance policy. This policy amendment reads as the coverage amount changes on individual's birthday not the renewal date of the policy.

DISTRICT 3 – APPROVE EQUIPMENT FINANCING FOR TRACTOR AND MOWTRIM

A motion was made by Commissioner Allen, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve to finance equipment with Bancorp South.

APPROVE RESOLUTION FOR BOND ISSUANCE

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve resolution for bond issuance. This does not obligate the county to borrow money. This is selects Raymond James as underwriter only if needed and to get the paperwork in place. No terms are set in the resolution.

STRUCTURING AND REIMBURSEMENT RESOLUTION

WHEREAS, the United States Department of the Treasury has issued final regulations relating to the use of proceeds of tax-exempt obligations for the reimbursement of expenditures made prior to the date of issuance of tax-exempt obligations. Under the regulations, in general, if specified requirements are satisfied, then proceeds used for reimbursement are deemed to be spent on the date of reimbursement. If such requirements are not satisfied, then proceeds used for reimbursement will remain subject to rebate, arbitrage and other rules relating to tax-exemption until ultimately spent.

WHEREAS, Marshall County, a political subdivision of the State of Alabama (the "County"), has determined to issue its tax-exempt, gasoline tax warrants (the "Warrants") to finance and provide matching funds for the acquisition, construction and installation of certain capital improvements to the County's roads and bridges, including, without limitation, resurfacing, repaving, widening and bridge reconstruction (the "Improvements"). The Warrants will be payable solely out of the County's allocable share of certain gasoline taxes levied by the State of Alabama.

WHEREAS, in order to proceed with acquisition, construction and installation of the Improvements, pending the issuance of the Warrants to pay the costs thereof, it may be necessary for the County to use its own funds in the County's general fund to pay certain costs in connection with the Improvements and the financing thereof.

WHEREAS, if the County is required to spend its own funds on the Improvements pending the issuance of the Warrants, it is the County's official intent to reimburse its general fund for such expenditures out of proceeds of the Warrants to be issued by the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MARSHALL COUNTY, as follows:

1. The County Commission does hereby express its official intent (A) to issue the Warrants in a principal amount not reasonably expected to exceed \$7,000,000 to pay or reimburse costs paid by the County from its general fund in connection with the Improvements within 60 days prior to the date of adoption of this resolution or costs paid after the date of adoption of this resolution; and (B) to issue such additional amount of Warrants as may be necessary to fund any required reserve for the Warrants, to pay any premiums or fees for credit enhancement for the Warrants, and to pay the costs of issuing the Warrants.
2. Any reimbursement of the County is expected to be made on or before the later of the date eighteen months after the expenditure is paid or after the Improvements are placed in service. Any expenditure to be reimbursed shall be either for engineering expenses or other preliminary expenses as

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recognized in Section 1.150-2(f) of the Internal Revenue Code of 1986, as amended (the "Code"), or shall be a capital expenditure properly chargeable to capital account (or would be so chargeable with a proper election such as an election under Section 266 of the Code) under general federal income tax principles.

3. The County Commission does hereby (a) engage Raymond James & Associates, Inc., as underwriter ("Underwriter"), and Maynard, Cooper & Gale, P.C., as bond counsel ("Bond Counsel"), with respect to the issuance of the Warrants and (b) authorize and direct the Underwriter and Bond Counsel to prepare a preliminary official statement describing the terms and conditions of the Warrants for distribution to prospective purchasers thereof and to prepare other documentation necessary for the issuance of the Warrants for further consideration by the County Commission.

4. This resolution shall not compel the County to issue the Warrants. The issuance and sale of the Warrants shall be subject to the final approval and authorization thereof by the County Commission.

5. All resolutions, orders, or parts of any thereof, of the County in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

6. This resolution shall take effect immediately.

ADOPTED AND APPROVED this 22nd day of July, 2013.

s./James Hutcheson

Chairman of the
Marshall County Commission

[S E A L]

Attest: s./Shelly Fleisher
County Administrator

APPROVE AT&T FRANCHISE CONTRACT

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve extension to AT&T franchise contract. The current contract expires 12/31/2013. The extension will allow the contract to go through 12/31/2018.

DISTRICT 1 – APPROVE TRACTOR BID AWARD

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen, all members voting affirmatively and so carried to approve and award the tractor bid to HMTTC in the amount of \$53,183.46.

APPROVE ANNUAL BIDS

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve the submission for annual bids up for renewal.

DISCUSSION

District 1: Commissioner Stricklend discussed placing the salary of Revenue Commissioner Joey Masters on the next agenda. He wished to discuss not placing this salary in the FY2014 budget.

Commissioner Stricklend also stated the Union Grove project was almost complete.

District 2: Commissioner Allen stated the Buck Island Road paving project had begun as far as the utility companies have begun their part of the process.

ADJOURNMENT

There being no further business; a motion was made by Commissioner Stricklend, duly seconded by Commissioner Allen and so carried to adjourn.

MEETING ADJOURNED

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James Hutcheson, Chairman

William H. Strickland, District 1 Commissioner

R.E. Martin, District 2 Commissioner

C.W. "Buddy" Allen, District 3 Commissioner

Tamey Hale, District 4 Commissioner