

02/14/2018

The Marshall County Commission met in regular session on Wednesday, February 14 2018, at 10:00am in the Marshall County Commission Chambers.

PRESENT:

James Hutcheson, Chairman
Shelly Fleisher, County Administrator
William H. Stricklend, III, District 1 Commissioner
R.E. Martin, District 2 Commissioner
David Kelley, District 3 Commissioner
Jessie C. Swords, District 4 Commissioner
Bob Pirando, County Engineer
Norma Parker, Commission Clerk
Clint Maze, County Attorney

NOT PRESENT:

Karen Young, Administrative Assistant

Chairman Hutcheson called the meeting to order and led the invocation. He then asked Commissioner Martin to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Martin, duly seconded by Commissioner Kelley, 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 January 24, 2018 commission meeting and the claims docket for January 23 – February 12, 2018 in the amount of \$1,068,048.10.

PALS – ANNOUNCE WHITE GOODS PICKUP FOR DISTRICTS 1, 3 & 4 FOR FEBRUARY 26TH. DISTRICTS 3 & 4 WILL RECEIVE DUMPSTERS FREE OF CHARGE, DISTRICT 1 WILL BE CHARGED

APPROVE DIRECT SUPPORT TO THE MARSHALL COUNTY HALL OF FAME FROM CONTINGENCY FUND; \$500

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve direct support to the Marshall County Hall of Fame from Contingency Fund.

APPROVE DIRECT SUPPORT TO SOLID ROCK PRODUCTION FROM CONTINGENCY FUND; \$250

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve direct support to Solid Rock Production from Contingency Fund.

DISTRICT 2 – APPROVE PAYMENT REQUEST TO BONDS APPLIANCE; \$56

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve Payment Request to Bonds Appliance.

DISTRICT 2 – APPROVE RESOLUTION TO INITIATE BUCK ISLAND ROAD INDUSTRIAL ACCESS PROJECT IAR-048-000-020

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve Resolution to initiate Buck Island Road Industrial Access Project IAR-048-000-020 as recommended by County Engineer. This is a \$210,000 industrial access grant that will be used to widen and level Buck Island Road leading to the Guntersville Airport.

DISTRICT 2 – APPROVE PAYMENT REQUEST TO WILKS TIRE & BATTERY; \$364.23

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve Payment Request to Wilks Tire & Battery.

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DISTRICT 2 – APPROVE PAYMENT REQUEST TO C.A. LANGFORD; \$330.48

A motion was made by Commissioner Martin, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve Payment Request to C.A. Langford.

DISTRICT 3 – APPROVE PAYMENT REQUEST TO HARBOR FREIGHT TOOLS; \$206.95

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve Payment Request to Harbor Freight Tools.

DISTRICT 3 – APPROVE FINANCE AGREEMENT FOR ATRIP PROJECT, NEW HOME RD AT CLEAR CREEK

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve finance agreement for ATRIP project, New Home Rd at Clear Creek, as recommended by County Engineer. This project will be replacing the bridge at Clear Creek. State Of Alabama estimated cost is \$1,012,000.00. Marshall County Engineer estimate is \$900,000.00

DISTRICT 4 – APPROVE RESOLUTION TO INITIATE FEDERAL AID PROJECT USING FY18 FUNDS TO RESURFACE MARTLING ROAD FROM ALBERTVILLE CITY LIMITS NORTH TO TERRELL ROAD FOR APPROXIMATELY FOUR MILES

A motion was made by Commissioner Swords, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve Resolution to initiate FA project using FY18 funds to resurface Martling Road from Albertville City Limits north to Terrell Road as recommended by County Engineer. This project is proposed to widen and level approximately 4 miles of roadway.

PROBATE – APPROVE SOLICITATION OF BID TO PUBLISH THE VOTER'S LIST IN THE NEWSPAPER

A motion was made by Commissioner Kelley, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve solicitation of bid to publish the Voter's List in the newspaper.

PROBATE – APPROVE ELECTRONIC FILING USER AGREEMENT WITH DOCROUTER

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve electronic filing user agreement with DocRouter. This will not be any additional charge to Marshall County.

ANNOUNCE ADDITIONAL TWO-WEEK APPLICATION PERIOD FOR DHR BOARD APPOINTMENT, 6 YEAR TERM

The Application period has been extended another two weeks.

APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve the sell, trade or scrap of fixed assets.

	FA#	DESCRIPTION	DEPARTMENT	REASON
SCRAP	5010	Laser Jet 1300 Printer	District 1	Item is obsolete
SURPLUS				
	11769	Kubota Excavator	District 2	Item no longer needed in department
	11374	Bush hog	District 2	Item no longer needed in department
	6760	Flat bed trailer	District 2	Item no longer needed in department
	11268	2013 Dodge Charger	Sheriff	Item no longer needed in department
	11172	2012 Dodge Charger	Sheriff	Item no longer needed in department
	11270	2013 Dodge Charger	Sheriff	Item no longer needed in department

11271	2013 Dodge Charger	Sheriff	Item no longer needed in department
11272	2013 Dodge Charger	Sheriff	Item no longer needed in department

APPROVE RESOLUTION DELEGATING THE AUTHORITY TO APPROVE TAX ABATEMENTS FOR YEARS 11-20 TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE TOWN OF DOUGLAS AND TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE TOWN OF GRANT

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve waiving the reading of the resolution upon County Attorneys recommendation. A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve resolution delegating the authority to approve tax abatements for years 11-20 to the Industrial Development Board of the Town of Douglas and to the Industrial Development Board of the Town of Grant.

WHEREAS, the County Commission (the "Commission") of Marshall County, Alabama (the "County") has reviewed Acts Nos. 2015-24 (known as the "Alabama Reinvestment and Abatements Act", herein "ARAA"), 2015-27, and 2015-41, adopted by the Legislature of the State of Alabama (the "State") which are intended to assist in the recruitment of quality projects and the expansion of existing businesses within the State, through tax and financial incentives; and

WHEREAS, the provisions of ARAA, in particular, vest power in this Commission to assist in achieving the foregoing purposes, by granting or consenting to abatements of County-levied noneducational ad valorem taxes under and in accordance with the provisions of Alabama Code Sections 40-9B-5(b)(2) and 40-9G-2(a)(2), as the same were amended or enacted by ARAA; and

WHEREAS, both of the aforementioned statutory provisions permit the aforesaid powers to grant or consent to certain tax abatements to be delegated to one or more entities that qualify as a "public industrial authority", as that term is defined in Alabama Code Chapter 40-9B (known as the "Tax Incentive Reform Act", herein "TIRA"), and in particular Alabama Code Section 40-9B-3(a); and

WHEREAS, each of the following entities (1) is a public corporation duly organized, validly existing and in good standing under the laws of the State, and in particular Alabama Code Sections 11-54-80, et seq., as amended (the "Act"), (2) is authorized under the Act to issue bonds, the interest on which is exempt from the Alabama income tax, to acquire, construct, equip, or finance "industrial development property", as defined in TIRA, and, (3) as such, constitutes a "public industrial authority", under and for all purposes of TIRA and ARAA, to wit:

- (A) The Industrial Development Board of the Town of Douglas, and
- (B) The Industrial Development Board of the Town of Grant.

The foregoing entities are herein referred to, collectively, as the "IDBs", and individually, as an "IDB"; and WHEREAS, each of the IDBs has already, since the enactment in 1992 of TIRA, had and/or exercised autonomous power to grant abatements of a variety of taxes, including without limitation County-levied noneducational ad valorem taxes; and

WHEREAS, this Commission finds & determines that: (a) each of the IDBs has been an effective vehicle for the promotion of economic development and growth within its jurisdiction; (b) each of the IDBs has developed expertise in recruiting and incentivizing economic development prospects and, if it has exercised its power to grant tax abatements, in performing the cost/benefit analyses required under TIRA, which are and will continue to be required under ARAA; (c) the County will gain a competitive advantage in attracting a business to locate or expand in the County, by enabling that business to continue to engage, under ARAA, in "one-stop shopping", namely, by applying to a single entity (i.e., the IDB within whose jurisdiction that business is situated) for tax abatements, as businesses have become accustomed to doing under TIRA; and (d) the action taken by the Commission in this Resolution will develop and promote the public good and general welfare, trade, commerce, industry and employment opportunities and promote the general welfare of the County and of the State by perpetuating a climate favorable to the location of new and the preservation of existing industry, trade and commerce;

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

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1. The Commission hereby declares that it is wise, expedient and necessary that the County authorize each of the IDBs named in the recitals hereof, and delegate to each such IDB the powers of the County, to grant or consent to the granting of abatements of County-levied noneducational ad valorem taxes under and in accordance with the provisions of Alabama Code Sections 40-9B-5(b)(2) and 40-9G-2(a)(2), as the same were amended or enacted by ARAA. The foregoing authorizations and delegations are hereby declared (a) to pertain to any and all projects or proposed projects that may come before any of the IDBs for consideration, such that the foregoing authorization of and delegation to each IDB shall be "blanket" in nature; and (b) to be non-exclusive, in that the Commission reserves the right to grant the same authorization and delegation to any other "public industrial authority" now or hereafter exercising power within the County.

2. The Commission hereby orders the County Administrator to cause a certified copy of this Resolution to be delivered to or otherwise filed with the Departments of Revenue and Commerce of the State and the office of the Marshall County Revenue Commissioner, in order to evidence the foregoing authorizations of and delegations to the IDBs.

3. This Resolution shall take effect immediately upon its adoption.

The undersigned County Administrator of Marshall County, Alabama (the "County") hereby certifies that the foregoing pages constitute a true and correct copy of the resolution adopted by the County Commission of the County on February 14, 2018, in a regular meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout; and that the original of said resolution appears of record in the permanent records of the County which are in my custody and control.

IN WITNESS WHEREOF, I have hereunto affixed my signature under the seal of the County this 14th day of February, 2018.

S/Shelly Fleisher

County Administrator, Marshall County, Alabama

ANNOUNCE PUBLIC HEARING FOR PETITION TO VACATE A PORTION OF BLUFF POINT ON FEBRUARY 28, 2018 AT 9AM

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

MEETING ADJOURNED

James Hutcheson, Chairman

William H. Stricklend, District 1 Commissioner

R.E. Martin, District 2 Commissioner

David Kelley, District 3 Commissioner

Jessie Swords, District 4 Commissioner