

September 26, 2011

The Marshall County Commission met in regular session on Monday, September 26, 2011 at 10:00 am. in the Marshall County Commission Chambers.

PRESENT WERE:

James Hutcheson, Chairman
William H. Stricklend, III, Dist. 1 Commissioner
James Maze, Dist. 2 Commissioner
Richard Kilgore, Dist. 3 Commissioner
Tamey Hale, Dist. 4 Commissioner
Shelly Fleisher, Acting Administrator
Tammy Bearden, Administrative Assistant
Bob Pirando, County Engineer
Karen Young, Engineering Clerk
Clint Maze, County Attorney

Chairman Hutcheson called the meeting to order and ask Rev. Bill Winters, Rector, Church of the Epiphany to deliver the invocation, he then ask Commissioner Hale to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Maze, duly seconded by Commissioner Kilgore and so carried to approve the consent agenda as read by Chairman Hutcheson.

EMA – DISCUSS APPROVING CONTRACT WITH LSU TRAINING FOR HRT 10 IN TRENCH RESCUE \$12,000 (TO BE TAKEN OUT OF FY 12 BUDGET. PROVIDED BY GRANT FUNDING)

A motion was made by Commissioner Kilgore, duly seconded by Commissioner Hale and so carried to approve the contract with LSU training for HRT 10 in Trench Rescue in the amount of \$12,000 being provided for out of grant funding and to be paid for out of the FY12 budget.

EMA – DISCUSS BUDGET ITEM OVERAGES, (CELL PHONE CHARGES, REGULAR TELEPHONE AND SIREN ELECTRICITY DUE TO APRIL 27, 2011 TORNADO. (TRANSFER FROM DISASTER FUND)

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the transfer \$2,500 from the Disaster fund to EMA to cover the budget item overages, Cell Phone charges, regular telephone and siren electricity due to the April 27, 2011 tornado.

EMA – ANNOUNCE DRIVE THROUGH FLU CLINIC SEPTEMBER 27, 2011

Anita McBurnett, EMA Director announced the there will be a drive through flu clinic on September 27, 2011 from 10:00 am to 3:00 pm at Marvin's in Albertville. The shots will be \$5 per person and free to people with Medicare. Your Medicare card will need to be presented at the time you receive your flu shot.

EMA – ANNOUNCE PATH WAY INGESTION

Anita McBurnett, EMA Director stated that the Path Way Ingestion determines how the county EMA would work with the federal Department of agriculture and other agencies if radiation were released within a 50 mile radius of the Browns Ferry Nuclear Plant.

EMA – BE READY DAY OCTOBER 13TH AND 14TH AT GUNTERSVILLE WAL-MART

Anita McBurnett announced that EMA's Be Ready Day will be on October 13th and 14th from 10:30 to 6:30 pm at the Guntersville Wal-Mart.

APPROVE CONTRACT WITH RDA FOR REVENUE ADMINISTRATION SERVICES

A motion was made by Commissioner Maze, duly seconded by Commissioner Kilgore and so carried to approve the contract with RDS and Marshall County Commission for the Revenue Administration Services.

COA- APPROVE AREA AGENCY ON AGING CONTRACT WITH T.A.R.C.O.G. AND MARSHALL COUNTY COMMISSION

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale and so carried to approve the contract with T.A.R.C.O.G. and the Marshall County Commission for Council on Aging Area Agency on Aging Contract.

COA – APPROVE ALABAMA CARES CONTRACT WITH T.A.R.C.O.G. AND MARSHALL COUNTY COMMISSION

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the contact between T.A.R.C.O.G and Marshall County Commission for Council on Aging Alabama Cares Contract.

COA – APPROVE SENIOR X MOU WITH T.A.R.C.O.G. AND MARSHALL COUNTY COMMISSION

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the SeniorX MOU between T.A.R.C.O.G and Marshall County Commission.

ASK COUNTY ATTORNEY TO SEEK AN OPINION FORM THE ATTORNEY GENERAL'S OFFICE TO DETERMINE WHICH ACT THE COUNTY ADMINISTRATOR MUST BE HIRED UNDER

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Maze and so carried to approve the Resolution as read to ask the County Attorney to seek an opinion from the Attorney General's office to determine which act the County Administrator must be hired under and wait until opinion is received back before proceeding with hiring.

STATE OF ALABAMA)
)
MARSHALL COUNTY)

**RESOLUTION OF THE
MARSHALL COUNTY COMMISSION**

WHEREAS, the position of Marshall County Administrator is presently vacate: and

WHEREAS, Alabama Act Number 70-466, which applies to Marshall County, Alabama, provides, in Section 9, for the Chairman of the commission to employ the "chief clerk" and also provides for the discharge of the chief clerk; and

WHEREAS, Alabama Act Number 82-206 established a merit system for the employees of Marshall County, Alabama; and

WHEREAS, it is unclear whether the position of County Administrator is controlled by Alabama Act 79-466 or Alabama Act 82-206; and

WHEREAS, the Marshall County Commission presently desire to obtain an opinion from the Alabama Attorney General as to whether the Marshall County Administrator should be hired and managed pursuant to Alabama Act 79-466 or Alabama Act 82-206.

NOW THEREFORE be it resolved that Clint L. Maze, Attorney for the Marshall County Commission is hereby authorized to request to the Attorney General of the State of Alabama issue an opinion as to whether the Marshall County Administrator should be hired and managed pursuant to Alabama Act 79-466 or Alabama Act 82-206.

Adopted this the 26th day of September, 2011.

s\James Hutcheson
JAMES HUTCHESON, CHAIRMAN

s\William H. Stricklend
WILLIAM H STICKLEND,
vice CHAIRMAN, District 1

s\Richard Kilgore
RICHARD KILGORE, District 3

s\ James Maze
JAMES MAZE, District 2

s\Tame Hale
TAMEY HALE, District 4

September 26, 2011

APPROVE FIXED ASSETS TO BE SCRAPPED, TRANSFERRED OR SOLD

A motion was made by Commissioner Hale, duly seconded by Commissioner Maze and so carried to approve the fixed assets to be scrapped, transferred or sold.

APPROVE CONTRACT FOR PHASE 2 OF PARK 1 WITH FUNDS TO BE DETERMINED ONCE SCOPE OF WORK IS CLARIFIED

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Maze and so carried to approve the contract for Phase 2 of park 1 as it is without approving the monetary value and that will be based on the scope of work and the fee will be a percentage of the work.

APPROVE DIRECT SUPPORT TO GUNTERSVILLE RESCUE SQUAD FROM COUNTY WIDE FUND

A motion was made by Commissioner Kilgore, duly seconded by Commissioner Maze and so carried to give the Guntersville Rescue Squad \$2500, (funds from county wide) in direct support toward their car show project that was held last weekend.

ANNOUNCEMENT DUE TO A LEGAL HOLIDAY THE OCTOBER 10,2011 MEETING WILL BE OCTOBER 11, 2011 @ 6:00 PM. WORK SESSION WILL BE AT 5:00 PM BEFORE THE MEETING

Chairman Hutcheson announced that Monday, October 10, 2011 is a legal Holiday. This is a night meeting at 6:00 pm with the work session being at 5:00 pm prior to the meeting.

AMEND AGENDA – SUPPORT VOLUNTEER FIRE DEPARTMENTS

A motion was made by Commissioner Maze, duly seconded by Commissioner Stricklend and so carried by roll call vote to amend the agenda to add the resolution for diesel fuel allocation for the Volunteer Fire Departments.

A motion was made by Commissioner Maze duly seconded by Commissioner Stricklend and so carried to approve the allocation in giving the Volunteer Fire Departments up to 50 gallons of diesel per month with the option that they can bank up to 150 gallons at any one time but no more than the 150 gallons and it is also up to each District Commissioner has to how they will handle this allotment as stated in paragraph four of the agreement.

AWARD BID 94-10 FOR CHANNEL CLEARING

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Maze and so carried to award bid 94-10 to Lang Construction Company, Guntersville, Alabama for a lump sum of \$58,945.00 we also need to remember that there is a 25% match and this will need to come out of the disaster fund and also the reimbursement from the Department of Natural Resource and Conservation Center those reimbursements be deposited into that account just the 75% reimbursement.

ADJOURNMENT

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

MEETING ADJOURNED

James Hutcheson, Chairman

William H. Stricklend, District 1 Commissioner

James Maze, District 2 Commissioner

Richard Kilgore, District 3 Commissioner

Tamey Hale, District 4 Commissioner