

April 13, 2016

The Marshall County Commission met in regular session on Wednesday, April 13, 2016, at 10:00am in the Marshall County Commission Chambers.

PRESENT:

James Hutcheson, Chairman  
William H. Stricklend, III, Dist. 1 Commissioner  
R.E. Martin, Dist.2 Commissioner  
David Kelley, Dist. 3 Commissioner  
Jessie C. Swords, Dist. 4 Commissioner  
Shelly Fleisher, County Administrator  
Karen Young, Administrative Assistant  
Norma Parker, Commission Clerk  
Clint Maze, County Attorney

NOT PRESENT:

Bob Pirando, County Engineer

CONSENT AGENDA

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, 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 March 23, 2016 commission meeting, April 5, 2016 emergency commission meeting and the claims docket for March 22, 2016 – April 11, 2016 in the amount of \$982,293.38.

APPROVE SARCOIDOSIS AWARENESS PROCLAMATION FOR THE MONTH OF APRIL

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve Sarcoidosis Awareness Proclamation for the month of April.

**PROCLAMATION**

WHEREAS, once thought to be a rare disease, sarcoidosis is now known to affect people of all ages, races and genders; and

WHEREAS, sarcoidosis is an inflammatory disease that can affect almost any organ in the body and causes heightened immunity, a condition that results in overreaction of the immune system, resulting in damage to the body's own tissues; and

WHEREAS, the classic feature of sarcoidosis is the formation of granulomas, microscopic clumps of inflammatory cells that group together, interfering with organ function; and

WHEREAS, in the United States, sarcoidosis most commonly targets the lungs and lymph nodes, but can also affect the skin, eyes, liver, salivary glands, sinuses, kidneys, heart, the muscles and bones, the brain and nervous system; and

WHEREAS, though the exact cause of sarcoidosis is not known, current research indicates that in individuals who are genetically susceptible to sarcoidosis, exposure to bacteria, viruses or chemicals might trigger the disease; and

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WHEREAS, while progress has been made in understanding the symptoms and better diagnosing the disease, there is still much to learn about sarcoidosis, but with increased research, the goal of discovering the cause, improving treatment and finding a cure is attainable:

NOW, THEREFORE, I, James Hutcheson, Chairman of the Marshall County Commission and in such capacity, do hereby proclaim the month of April 2016, as **SARCOIDOSIS AWARENESS MONTH** in Marshall County, Alabama.

S/ James Hutcheson  
James Hutcheson, Chairman

S/ William H. Strickland  
William H. Strickland, District 1 Commissioner

S/ R.E. Martin  
R.E. Martin, District 2 Commissioner

S/ David Kelley  
David Kelley, District 3 Commissioner

S/ Jessie Swords  
Jesse Swords, District 4 Commissioner

BOARD OF REGISTRARS – APPROVE RESOLUTION FOR NATIONAL VOTER REGISTRATION ACT REGARDING VOTER NOTICES POSTAGE PAYMENTS

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve Resolution for National Voter Registration Act regarding voter notices postage payments and allow the Chairman to execute the agency agreement by recommendation of the county attorney. Code of Alabama 1975 17-4-30 & 17-4-31.

RESOLUTION BY

Marshall County, Alabama, Commission

WHEREAS Code of Alabama 1975, section 17-4-30 requires the Marshall County Board of Registrars to implement a voter file maintenance process, and

WHEREAS Code of Alabama 1975, section 17-4-31 requires Marshall

County Commission to pay the cost of postage necessary to mail certain notices to voters and to subsequently apply for and reimbursement for the cost from the State of Alabama, and

Whereas the Alabama Secretary of State has indicated that his office is willing to serve as the agent for the Marshall County Commission for the paying postage costs and

collecting reimbursements for such costs from the State Election Expense Account as provided for in Code of Alabama 1975, section 17-4-31, now therefore.

BE IT RESOLVED BY the Marshall County Commission that it hereby agrees to

appoint the Secretary of State to serve as its agent for the purposes of paying postage cost necessary for the mailing of certain notices to voters as required by Code of Alabama 1975, section 17-4-30 and

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collecting reimbursements for such cost from the State Election Expenses Account as provided by the Code of Alabama 1975, section 17-4-31 and now

BE IT FURTHER RESOLVED that the Chairperson of the Marshall County Commission is authorized to execute an agency agreement to be entered into between this country and the Office of the Alabama Secretary of State.

Adopted this 13<sup>th</sup> day of April of the year 2016.

S/ James Hutcheson

James Hutcheson, Chairman

S/ Bill Stricklend

Bill Stricklend, District 1 Commissioner

S/ David Kelley

David Kelley, District 3 Commissioner

S/ R.E. Martin

R.E. Martin, District 2 Commissioner

S/ Jessie Swords

Jessie Swords, District 4 Commissioner

MAPPING AND APPRAISAL – APPROVE MOVING MONEY FROM LINE ITEM 219 TO LINE 450 TO COVER SHORTAGE TO PURCHASE EQUIPMENT FOR MEASURING HOUSES: \$1,245.00

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve moving money from line item 219 to line 450 to cover shortage to purchase equipment for measuring houses.

PERSONNEL BOARD – ANNOUNCE TWO WEEK APPLICATION PERIOD FOR THE MARSHALL COUNTY PERSONNEL BOARD; CURRENT APPOINTMENT ENDS IN MAY.

DISTRICTS 1 & 2 – APPROVE BID AWARD FOR ONE (1) OR MORE NEW 6' AND / OR 10' ROTARY CUTTERS

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve bid award to Hall Manufacturing out of North Little Rock Arkansas for one (1) or more new 6' at \$2,099.48 and / or 10' Rotary Cutters at \$7,726.05.

DISTRICT 4 – APPROVE SPEED LIMIT FOR HOLLY LANE

A motion was made by Commissioner Swords, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve 15 mph speed limit for Holly Lane as recommended by county engineer.

APPROVE RESOLUTION OF THE MARSHALL COUNTY HEALTH CARE AUTHORITY FOR CONSIDERATION OF BOARD APPOINTMENTS FOR DISTRICTS 1, 2 & 3

Alabama State Law governs hospital board nominees. The Board of Directors of the Marshall County Healthcare Authority submitted three nominees per district. The appointment is made by the District Commissioner.

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A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to appoint Liles Burke to the Marshall County Healthcare Authority for District #1. A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to appoint Mike Alred to the Marshall County Healthcare Authority for District #2. A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to appoint Stan Chaffin to the Marshall County Healthcare Authority for District #3.

APPROVE COUNTYWIDE TRACK HOE REPAIR FROM COUNTYWIDE FUNDS

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve countywide track hoe repair from countywide funds up to \$7,500.00.

APPROVE REBID SOLICITATION FOR CORRUGATED GALVANIZED METAL PIPE CULVERTS

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve rebid solicitation for Corrugated Galvanized Metal Pipe Culverts.

AMEND AGENDA TO MOVE AGENDA ITEM #10

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to amend agenda and move agenda item #10 to the end at the request of Chairman Hutcheson.

APPROVE SELL, TRADE OR SCRAP OF FIXED ASSETS

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

SCRAP

N/A	Dryer	Park #2	Item obsolete, broken or worn out
8263	Fax Machine	Solid Waste	Item obsolete, broken or worn out
6916	All Com Radio	Solid Waste	Item obsolete, broken or worn out

APPROVE PAYMENT FOR ADDITIONAL AUTO INSURANCE PREMIUM OF \$643 DUE TO 2015 PREMIUM AUDIT TO BE PAID FROM CONTINGENCY FUND

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve payment for additional auto insurance premium of \$643 due to 2015 premium audit to be paid from Contingency Fund.

APPROVE ENTERING INTO EXECUTIVE SESSION TO DISCUSS THREATENED AND / OR PENDING LITIGATION

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, Commissioner Kelley and Commissioner Swords voting yay and so carried to approve entering into executive session at 10:23 am to discuss threatened and / or pending litigation.

INSERT FOR THE MINUTES  
of the Marshall County Commission  
Meeting held on April 13, 2016

The Commission's attorney, Clint L. Maze, stated that an exception to the law of Alabama providing for Executive Sessions, Section 36-25A-7(3), permits discussions by governmental bodies such

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as the Commission in executive session with its attorney, with respect to certain matters described therein, and that in his opinion such exception was applicable to the planned discussion being proposed for an Executive Session. Mr. Maze noted that, in Executive Session, no deliberation or decisions could be made and that his declaration did not constitute a waiver of the attorney/client privilege.

#### **ATTORNEY CERTIFICATION**

Discussion by the Marshall County Commission regarding the legal ramifications and legal options associated with threatened and/or pending litigation in executive session is permissible under the authority of Section 36-25A-7, *Code of Alabama* 1975, as amended, in that it is reasonable to believe that this matter may be litigated if the Board pursues or declines to pursue certain courses of action related thereto.

04/13/2016  
Date

S/ Clint L. Maze  
Clint L. Maze  
Attorney for the Board  
Ala. State Bar #ASB-8761-T54M

#### APPROVE RETURNING FROM EXECUTIVE SESSION

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Martin, Commissioner Kelley and Commissioner Swords voting yay and so carried to approve returning from executive session at 11:07 am.

#### AMEND AGENDA TO TAKE OLD BUSINESS OFF THE TABLE

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Kelley, with Commissioner Swords and Commissioner Martin voting yay to take the issue off the table of funding for Administrative Assistant Position for EMA and requesting that the Marshall County Personnel Board establish the position at Grade 11, and to base the job description for the said position on the current description for the Administration Assistant Position. This item was previously tabled by Commissioner Stricklend.

#### AMEND AGENDA TO ADD AUTHORIZING THE COUNTY ATTORNEY TO ENTER INTO A SETTLEMENT AGREEMENT NEGOTIATION WITH A COUNTY EMPLOYEE TO FULLY AND FINALLY RESOLVE THE EEOC CHARGE OF DISCRIMINATION

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, Commissioner Martin and Commissioner Stricklend voting yay and so carried to approve amending agenda to add authorizing the County Attorney to enter into a settlement agreement negotiation with a county employee to fully and finally resolve the EEOC Charge of Discrimination and all matters related thereto, including the payment of a reasonable attorney fee.

#### AUTHORIZING THE COUNTY ATTORNEY TO ENTER INTO A SETTLEMENT AGREEMENT NEGOTIATION WITH A COUNTY EMPLOYEE TO FULLY AND FINALLY RESOLVE THE EEOC CHARGE OF DISCRIMINATION

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A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, Commissioner Martin and Commissioner Stricklend voting yay and so carried to approve authorizing the County Attorney to enter into a settlement agreement negotiation with a county employee to fully and finally resolve the EEOC Charge of Discrimination and all matters related thereto, including the payment of a reasonable attorney fee.

EMA - APPROVE 2017 FISCAL YEAR FUNDING FOR ADMINISTRATIVE ASSISTANT POSITION FOR EMA AND REQUESTING THAT THE MARSHALL COUNTY PERSONNEL BOARD ESTABLISH THE POSITION AT GRADE 11, AND TO BASE THE JOB DESCRIPTION FOR THE SAID POSITION ON THE CURRENT DESCRIPTION FOR THE ADMINISTRATION ASSISTANT POSITION.

A motion was made by Commissioner Swords, duly seconded by Commissioner Kelley, Commissioner Martin and Commissioner Stricklend voting yay and so carried to approve 2017 fiscal year funding for administrative assistant position for EMA and requesting that the Marshall County Personnel Board establish the position at grade 11, and to base the job description for the said position on the current description for the administration assistant position

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

MEETING ADJOURNED

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James Hutcheson, Chairman

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William H. Stricklend, District 1 Commissioner

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R.E. Martin, District 2 Commissioner

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David Kelley, District 3 Commissioner

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Jessie Swords, District 4 Commissioner