

12/11/2019

The Marshall County Commission met in regular session on Wednesday, December 11, 2019 at 10:00am in the Marshall County Commission Chambers.

PRESENT:

James Hutcheson, Chairman
Ronny Shumate, District 1 Commissioner
James R. Watson, District 2 Commissioner
David Kelley, District 3 Commissioner
Joey Baker, District 4 Commissioner
Shelly Fleisher, County Administrator
Bob Pirando, County Engineer
Karen Young, Administrative Assistant
Clint Maze, County Attorney
Norma Parker, Commission Clerk

Chairman Hutcheson called the meeting to order and asked Reverend Jim Elliot to lead the Invocation. He then asked Commissioner Rick Watson to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Kelley, duly seconded by Commissioner Shumate, and 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 November 27, 2019 commission meeting and the claims docket for November 25, 2019 – December 9, 2019 for \$233,119.02.

APPROVE THE 2020 HOLIDAY SCHEDULE IN ACCORDANCE WITH THE STATE OF ALABAMA

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, all members voting to approve the 2020 holiday schedule in accordance with the State of Alabama.

January 1	New Year's Day
January 20	Robert E.Lee/Martin Luther King, Jr. Birthday
February 17	George Washington/Thomas Jefferson Birthday
April 27	Confederate Memorial Day
May 25	National Memorial Day
June 1	Jefferson Davis Birthday
July 4 **	Independence Day
September 7	Labor Day
October 12	Columbus Day/Fraternal Day/American Indian Heritage Day
November 11	Veteran's Day
November 26	Thanksgiving
December 25	Christmas Day

** As the Fourth day of July falls on Saturday, offices will be closed on Friday, July 3, 2020

***All full-time county employees employed before January 1, 2020, are granted a personal leave day which may be taken anytime during this year. This day does not carry over into the next year.

APPROVE CANCELATION OF MEETING ON DECEMBER 25, 2019

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve cancelation of meeting on December 25, 2019.

DISTRICT 3 – APPROVE BID AWARD FOR ONE (1) USED DOZER 2013 OR NEWER

A motion was made by Commissioner Kelley, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to award Bid # 49-19 to Tractor & Equipment in Decatur as recommended by County Engineer. The low bid was for a 2013 Komatsu Bulldozer for \$210,245.00.

12/11/19

APPROVE RESOLUTION TO PARTICIPATE IN THE 2020 SEVERE WEATHER PREPAREDNESS TAX HOLIDAY FEBRUARY 21-23

A motion was made by Commissioner Shumate, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve resolution to participate in the 2020 Severe Weather Preparedness Tax Holiday February 21-23 as read by County Engineer.

RESOLUTION PROVIDING FOR MARSHALL COUNTY'S ANNUAL PARTICIPATION IN THE "SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY" AS AUTHORIZED BY 40-23-230 THROUGH 40-23-233, CODE OF ALABAMA 1975

WHEREAS, during its 2012 Regular Session, the Alabama Legislature enacted Act No. 2012-256 (40-23-230 through 40-23-233, Code of Alabama 1975), effective April 26, 2012, which provides an exemption of the state sales and use tax for certain purchases related to severe weather preparedness supplies during the first full weekend in February 2012 and the last full weekend of February in subsequent years; and

WHEREAS, 40-23-233, Code of Alabama 1975, authorizes the county commission to provide for an exemption of county sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted at least thirty days prior to the last full weekend in February; and

WHEREAS, with the advice and consent of the Marshall County Superintendent of Education, the Marshall County Commission has affirmatively voted to grant the exemption of county sales and use taxes on purchases covered by 40-23-230 through 40-23-233, Code of Alabama 1975, during the last weekend of February, beginning at 12:01 a.m. on the last Friday in February and ending at twelve midnight on the last Sunday in February, beginning in February 2020 and continuing on the last full weekend of February each year thereafter until and unless annual participation is rescinded by further action of the county commission; and

WHEREAS, Code of Alabama 1975, § 11-51-210(e) requires that the Marshall County Commission notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least 30 days prior to the effective date of the change; and

WHEREAS, the exemption of certain county sales and use taxes for the last full weekend of February herein adopted by the county commission is an amendment to the county's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in Code of Alabama 1975, § 11-51-210(e);

WHEREFORE BE IT RESOLVED BY THE MARSHALL COUNTY COMMISSION that it does hereby provide for an exemption of the county sales and use tax on purchases of items covered by 40-23-230 through 40-23-233, Code of Alabama 1975, beginning at 12:01 a.m. on the last Friday in February and ending at twelve midnight on the last Sunday in February, beginning in February 2020 and continuing on the last full weekend of February each year thereafter until and unless annual participation is rescinded by further action of the county commission.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the December 10, 2019 meeting of the Marshall County Commission and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama 1975, § 11-51-210(e).

12/11/19

IN WITNESS WHEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 10th day of December, 20

S/James Hutcheson
JAMES HUTCHESON, Chairman
Marshall County Commission

ATTEST:

S/Ronny Shumate
RONNY SHUMATE, District 1

S/David Kelley
DAVID KELLEY, District 3
Vice Chairman

S/James R. Watson
JAMES R. WATSON, District 2

S/Joey Baker
JOEY BAKER, District 4

PROBATE – APPROVE ADDITION OF A COMMUNITY MENTAL HEALTH OFFICER

A motion was made by Commissioner Kelley, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to appoint Paula Clifton as addition Community Mental Health Officer as requested by Probate Judge.

RESOLUTION REGARDING COMMUNITY MENTAL HEALTH OFFICER

WHEREAS, Act 94-690, Acts of the Legislature of Alabama, 1994, provides, among other things, for the designation of a Community Mental Health Officer who would act as a liaison between law enforcement and the general public, which person so designated as Community Mental Health Officer and is employed by a public body such as the Mountain Lakes Behavioral Healthcare, and

WHEREAS, Paula Clifton is presently a fulltime employee of the Mountain Lakes Behavioral Healthcare, and meets the qualifications required to be the COMMUNITY MENTAL HEALTH OFFICER, and,

WHEREAS, the Judge of Probate has made a finding, the County with the approval of the County Commission, be covered by the provisions of Act 94-690, and has designated Gadsden Regional Hospital of Gadsden, Alabama, Brookwood Hospital of Birmingham, Alabama, and Marshall Medical Center North of Arab, Alabama, as the designated mental health facilities for Marshall County, Alabama:

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION AS FOLLOWS:

1. The Commission finds the facilities designated by the Alabama Department of Mental Health, Gadsden Regional Hospital, Brookwood Hospital and Marshall Medical Center North, to be adequate for the detention of persons pursuant to said Act; and
2. Paula Clifton, a fulltime employee of Mountain Lakes Behavioral Healthcare is designated as the Community Mental Health Officer with the condition that her compensation be that received from her employer; and
3. The Judge of Probate is empowered to do all things required by the Act, to give the required notices, and implement the provisions of the Act with the approval of the County Commission.

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Adopted this the 11th day of December, 2019.

S/James Hutcheson
JAMES HUTCHESON, Chairman

ATTEST:

S/Ronny Shumate
RONNY SHUMATE, District 1

S/David Kelley
DAVID KELLEY, District 3
Vice Chairman

S/James R. Watson
JAMES R. WATSON, District 2

S/Joey Baker
JOEY BAKER, District 4

PROBATE – APPROVE 36 MONTH COPIER LEASE FROM STATE OF ALABAMA CONTACT PRICING FOR TWO COPIERS WITH XMC,INC.; XEROX B7025S, MONTHLY FIXED LEASE \$111.38 (BLACK/WHITE PRINTS @.0068) AND XEROX B7035S, MONTHLY FIXED LEASE \$129.36 (BLACK/WHITE PRINTS @.0059)

A motion was made by Commissioner Kelley, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve 36 month copier lease from State of Alabama Contact pricing for two copiers with XMC, Inc.; Xerox B7025S, Monthly fixed lease \$111.38 (black/white prints @.0068) and Xerox B7035S, Monthly fixed lease \$129.36 (black/white prints @.0059).

JAIL – APPROVE ROOF INSPECTION PROPOSAL FROM STEPHEN WARD AND ASSOCIATES, INC; \$4,800 FROM COURTHOUSE JAIL FUND

A motion was made by Commissioner Kelley, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve roof inspection proposal from Stephen Ward and Associates, Inc; \$4,800 from Courthouse Jail Fund.

JAIL – APPROVE SPRINKLER PIPE REPAIR; \$4,145 FROM COURTHOUSE AND JAIL

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting to approve sprinkler pipe repair in first floor of Sheriff Office area for \$4,145 from Courthouse and Jail.

APPROVE INGRESS, EGRESS AND UTILITY EASEMENT TO MARSHALL COUNTY GAS DISTRICT AND MARSHALL COUNTY EMERGENCY TELEPHONE SERVICE BOARD ON WYETH MOUNTAIN PROPERTY

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting to approve ingress, egress and utility easement to Marshall County Gas District and Marshall County Emergency Telephone Service Board on Wyeth Mountain property.

EMA – APPROVE ALABAMA HEALTH CARE PROVIDER MUTUAL AID COMPACT

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve Alabama Health Care Provider Mutual Aid Compact.

12/11/19

APPROVE RESOLUTION AUTHORIZING STATE TO USE RIGHT OF WAY NEAR BUCK'S POCKET FOR OFF HIGHWAY VEHICLE TRAILS

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve resolution authorizing state to use right of way near Buck's Pocket for Off Highway Vehicle Trails.

**RESOLUTION OF THE MARSHALL COUNTY COMMISSION
REGARDING BUCK'S POCKET STATE PARK**

WHEREAS, the Marshall County Commission is vested with rights, title and interest in and to certain real property adjacent to Buck's Pocket State Park, which is part of the State of Alabama Park System; and

WHEREAS, the Marshall County Commission controlled real property is public property which designated for recreation purposes; and

WHEREAS, there is an existing right of way within the real property which has been rendered impassable for more than twenty years and is no longer effectively accessible as a public road; and

WHEREAS, due to the isolated nature of the real property, the public land has been recently used for nefarious activities; and

WHEREAS, the State of Alabama Department of Conservation and Natural Resources proposes the development of the subject real property to be open to the public for off-highway vehicle trails; and

WHEREAS, when developed, the off-highway vehicle trails will be maintained and policed by the State of Alabama Department of Conservation and Natural Resources; and

WHEREAS, the State of Alabama Department of Conservation and Natural Resources has requested that the Marshall County Commission enter into a long term lease with the State of Alabama for the Marshall County controlled real property to be used as part of the off-highway vehicle trails being developed by the State of Alabama Department of Conservation and Natural Resources; and

WHEREAS, the Marshall County Commission has determined that the long term leasing of the subject real property to the State of Alabama to be used as part of the off-highway vehicle trails being developed by the State of Alabama Department of Conservation and Natural Resources will serve the public's interest, will utilize the real property in accordance with the intended purposes, and will allow for the effective policing of the said real property.

NOW THEREFORE be it resolved that the Marshall County Commission specifically authorizes the Chairman of the Marshall County Commission to enter into a long term lease of the subject real property to the State of Alabama Department of Conservation and Natural Resources and authorizes the Chairman to execute any and all documents deemed necessary by the State relative to the State's development of the subject real property for off-highway vehicle trails.

Resolution of the Marshall County Commission Regarding Buck's Pocket State Park

Adopted this the 11th day of December, 2019

S/James Hutcheson
JAMES HUTCHESON, Chairman

12/11/19

ATTEST:

S/Ronny Shumate
RONNY SHUMATE, District 1

S/David Kelley
DAVID KELLEY, District 3
Vice Chairman

S/James R. Watson
JAMES R. WATSON, District 2

S/Joey Baker
JOEY BAKER, District 4

APPROVE RESOLUTION OF THE MARSHALL COUNTY COMMISSION RELATED TO THE CORONER'S OFFICE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve resolution of the Marshall County Commission related to the Coroner's Office. Chairman Hutcheson called for a roll call vote, Commissioner Shumate, yay, Commissioner Watson, yay, Commissioner Kelley, Nay, Commissioner Baker, Yay. Motion passed three to one.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION RELATED TO THE CORONER'S OFFICE

WHEREAS, the Marshall County Commission is vested with the budgetary oversight for Marshall County, Alabama; and

WHEREAS, the Marshall County Coroner has requested that the Marshall County Commission approve expenditures for equipment and expenses which are needed for the efficient operation of the Marshall County Coroner's Office; and

WHEREAS, the Marshall County Commission is requesting that a local act be passed by the Alabama Legislature authorizing the Marshall County Commission to budget and expend public funds to adequately equip the Coroner's Office of Marshall County for the performance of duties enumerated for the Coroner in Alabama Law and provide for any expenses which the Marshall County Commission deem appropriate; and

WHEREAS, the proposed local act is attached hereto.

NOW THEREFORE be it resolved that the Marshall County Commission respectfully request that the Marshall County Legislative Delegation consider sponsoring the proposed legislation in the 2020 General Session of the Alabama Legislature.

Adopted this the 11th day of December, 2019.

S/James Hutcheson
JAMES HUTCHESON, Chairman

ATTEST:

S/Ronny Shumate
RONNY SHUMATE, District 1

S/David Kelley
DAVID KELLEY, District 3
Vice Chairman

S/James R. Watson
JAMES R. WATSON, District 2

S/Joey Baker
JOEY BAKER, District 4

12/11/19

APPROVE THE REVISION OF THE MARSHALL COUNTY INDIGENT POLICY

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, all members voting to approve revision of the Marshall County Indigent Policy.

APPROVE DOMESTIC VIOLENCE GRANT, 19-WF-LE007, MATCH PROVIDED BY DISTRICT ATTORNEY'S OFFICE

A motion was made by Commissioner Kelley, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve Domestic Violence Grant, 19-WF-LE007, match provided by District Attorney's Office.

APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

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

<u>SCRAP</u>		Radio interface/voice board	EMA	Item is obsolete, broken or worn out
<u>SELL</u>	5261	Connected chairs	Maintenance	Item is no longer needed in department
		Lot of 11 chairs	Maintenance	Item is no longer needed in department
		5x8 Utility Trailer	EMA	Item is no longer needed in department
	10236	1997 Ford F800	District 1	Item is no longer needed in department

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

MEETING ADJOURNED

James Hutcheson, Chairman

Ronny Shumate, District 1 Commissioner

James R. Watson, District 2 Commissioner

David Kelley, District 3 Commissioner

Joey Baker, District 4 Commissioner