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The Marshall County Commission met in regular session on Wednesday, March 27, 2019 at 10:00am in the Marshall County Commission Chambers.

PRESENT:

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

NOT PRESENT:

Ronny Shumate, District 1 Commissioner  
Bob Pirando, County Engineer

Chairman Hutcheson called the meeting to order and asked Reverend David Norton, Union Chapel United Methodist, 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 Baker, 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 13, 2019 commission meeting and the claims docket for March 12, 2019 – March 25, 2019 in the amount of \$375,219.09.

DISTRICT 1 – APPROVE CDBG, CY-CM-PF-18-001, RESURFACING COLLINS, JASON, LARA, DREW AND CAROLINE DRIVES/ LANE

A motion was made by Commissioner Kelley, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve CDBG, CY-CM-PF-18-001, resurfacing Collins, Jason, Lara, Drew and Caroline Drives/ Lane on Highway 79 South for up to \$350,000.00.

DISTRICT 4 – APPROVE TO SOLICIT BIDS FOR SAFETY BOOTS

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve to solicit bids for safety boots as recommended by the Assistant County Engineer.

SHERIFF – APPROVE BID AWARD FOR PATROL VEHICLE EQUIPMENT

A motion was made by Commissioner Kelley, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to award bid #56-18 to Sharp Communications in Albertville, Alabama for patrol vehicle equipment as recommended by the Assistant County Engineer. Sharps bid amount was \$69,402.48. The low bid was Dana Safety. Sheriff Sims chose Sharp Communications, based on the local preference/bid law of 5% when applied, resulted in a lower amount for Sharp.

SHERIFF – APPROVE BID AWARD FOR INVESTIGATIVE VEHICLE EQUIPMENT

A motion was made by Commissioner Kelley, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to award bid #57-18 to low bidder Sharp Communications in Albertville, Alabama for investigative vehicle equipment as recommended by the Assistant County Engineer. Sharps bid amount was 10,298.10.

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JAIL – APPROVE TO REPLACE A/ C UNIT AND MISCELLANEOUS REPAIRS TO EXISTING RETURN SYSTEM FROM COURTHOUSE AND JAIL FUND FUND BALANCE; \$8,950.28

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve to replace A/C unit and miscellaneous repairs to existing return system from Courthouse and Jail Fund fund balance. Bond's Commercial Service was the low quote.

JAIL – APPROVE TO SOLICIT BIDS FOR UPGRADE OF JAIL

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve to solicit bids for upgrade of Jail. An early estimate was submitted at \$502,000.

REVENUE COMMISSIONER – APPROVE AMENDED CONSULTANT CONTRACT, AND RATIFY PREVIOUS AGREEMENTS, BETWEEN MARSHALL COUNTY REVENUE COMMISSIONER AND TELESIA CHAMBERS, FOR APPRAISAL, ASSESSMENT AND AUDIT ADMINISTRATION FOR BUSINESS PERSONAL PROPERTY

A motion was made by Commissioner Kelley to table this item but died due to lack of motion. A motion was made by Commissioner Watson, duly seconded by Commissioner Baker to approve amended consultant contract, and ratify previous agreements, between Marshall County Revenue Commissioner and Telesia Chambers, for appraisal, assessment and audit administration for Business Personal Property. Chairman Hutcheson did a roll call vote at this time, Commissioner Watson, yay, Commissioner Kelley, nay, Commissioner Baker, yay. The motion passed with 2 yays, and 1 nay. The ratification of previous contracts were due to them not being approved and signed by the Commission.

APPROVE BOARD APPOINTMENT FOR MC ECONOMIC DEVELOPMENT BOARD

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to appoint Beth Smith to the Marshall County Economic Development Board, term ending December 2021.

CORONER – APPROVE \$2,200 FOR MILEAGE REIMBURSEMENT FROM GENERAL FUND FUND BALANCE

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve increasing Coroners budget by \$2,200 for mileage reimbursement from General Fund fund balance.

APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

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

	<u>FA#</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>REASON</u>
<u>SCRAP</u>	10616	Motorola Radio	<u>District 2</u>	Item is obsolete, broken or worn out
	3578	General Electric Radio	District 2	Item is obsolete, broken or worn out
	<u>9745</u>	Kenwood Radio	District 2	Item is obsolete, broken or worn out
	<u>6716</u>	Relm Radio	District 2	Item is obsolete, broken or worn out
<u>TRANSFER</u>				
<u>SURPLUS</u>				
	9540	Time Clock	Sheriff	Item no longer needed in department
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Chairman Hutcheson opened the floor for discussion at this time.

District #2: Commissioner Rick Watson said his district is doing a lot of road maintenance, patching pot holes from the heavy rains and fixing cross drains. He stated they got authorization from the County Engineer to start removing trees on the right away on Old Union Road.

The Following discussion is recorded verbatim to sufficiently document the issue:

District #3: Commissioner David Kelley stated "I want to bring in front of this Commission that in September the Commission Voted to pay a position that did not exist in the county. We made a mistake and we need to correct it"

Chairman Hutcheson: What position are you talking about?

Commissioner Kelley: It was the Assistant Deputy Chief. The position was not available when the Commission agreed to pay for it.

Chairman Hutcheson: Clint Can you answer this?

County Attorney Clint Maze: That was a temporary position which is allowed under the Personnel Act. The position was filled temporarily for up to 120 days as provided by the act. The Position has been created by the Personnel Board (approved at the March 11, 2019 regular scheduled Personnel Board meeting. The motion was made by Board Member Ben Gamel and seconded by Board Member Penni Windsor), posted and applications received. We were still within the 120 days.

County Administrator Shelly Fleisher: The Commission approved a contract/agreement that the position would be reimbursed by the Sheriff.

County Attorney Clint Maze: That is exactly right. That position is in fact on a go forward basis, being funded by the Discretionary fund from the Sheriff Department. That was the agreement approved last Commission meeting.

Commissioner Kelley: Look Mr. Lawyer, we agreed to pay from county funds a position that was not established by the Personnel Board at the time.

County Attorney Maze: The Personnel Act allows an appointing authority as yourself to hire temporary employees up to 120 days per fiscal year.

Commissioner Kelley: Yes Sir it does, but it does not allow me to put it in a position that is not established by the Personnel Board.

County Administrator Shelly Fleisher: You can hire temporary that is not established by the Personnel Board.

County Attorney Clint Maze: Well I'm under the impression that nothing inappropriate has happened. I believe we have acted in accordance to the law and in accordance to the Personnel act. I don't think there is anything that needs to be corrected. I think that everything that needs to be done for that position to be filled and properly paid has been done.

Commissioner Kelley: Mr. Attorney, I disagree with you and want to be put on record that I disagree with you. I still believe we paid a position that we wasn't authorized to establish and it was not established and we used county funds to pay a position that was not established by the Personnel Board.

Chairman Hutcheson: Let this go on record.

Note: The following motion was made at the February 27, 2019 regular scheduled Commission meeting. During that meeting the subject was brought up that the position had been tabled with the Personnel Board until funding was secured by the Commission. County Attorney stated that once the funding was secured and approved by the Commission, the position would be submitted to the Personnel Board again for review. This motion and contract secured funds for the position. The position was submitted and approved by the Personnel Board on March 11, 2019. Prior to this, the position was filled on a temporary basis on 01-14-19.

**SHERIFF – APPROVE REIMBURSEMENT AGREEMENT FOR ASSISTANT CHIEF DEPUTY POSITION**

*A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve reimbursement Agreement for Assistant Chief Deputy*

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*position. The agreement states the Commission will pay the part time assistant chief deputy from the general fund. The Sheriff will reimburse from the Sheriff's discretionary law enforcement funds. This agreement will remain in effect for the duration of the employment of current assistant chief deputy. In the event that the person filling the position of assistant chief deputy is separated form employment the agreement will terminate. (Motion from regular scheduled meeting dated February 27, 2019)*

District #4: Had no comment about his district.

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

MEETING ADJOURNED

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James Hutcheson, Chairman

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Ronny Shumate, District 1 Commissioner

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James R. Watson, District 2 Commissioner

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David Kelley, District 3 Commissioner

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Joey Baker, District 4 Commissioner