

03/22/2017

The Marshall County Commission met in regular session on Wednesday, March 22, 2017 at 10:00am in the Marshall County Commission Chambers.

PRESENT:

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

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

AWARDS AND PRESENTATIONS: HIGH POINT HOMEMAKERS CLUB – DONATE BENCH TO DOUGLAS SENIOR CENTER

Jaynell Cobb with High Point Home Makers shared that they will be placing a bench at Douglas Senior Center. The bench will be located in front of the center.

CONSENT AGENDA

Commissioner Kelley requested a modification to the minutes provided to the Commission. County Attorney Clint Maze announced the first change requested was on the re-appointment to the Douglas Water Board. The minutes reflected Ben Jones, but the approved applicant was Ben Gore. Commissioner Kelley also requested an insert under the section of the minutes "Approve C & D Landfill." Attorney Maze read the insert to the Commission. A motion was made by Commissioner Stricklend, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve the consent agenda with the above mentioned and stated amendments to the minutes as read by County Attorney. The consent agenda includes the minutes from the March 8, 2017 commission meeting and the claims docket for March 6, 2017 - March 20, 2017 in the amount of \$727,196.32.

DISTRICT 1 – APPROVE PLEASANT VALLEY BAPTIST CHURCH CEMETERY

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve Pleasant Valley Baptist Church Cemetery with the stipulation of no road construction or maintenance by the county on church property. Marshall County Health Department reviewed the application for a cemetery at this location submitted by David Skidmore and determined the location meets the requirements. Marshall County Health Department along with County Engineer recommended Marshall County Commission approve the cemetery

DISTRICT 2 – APPROVE PAYMENT REQUEST TO WHITAKER CONTRACTING; \$2,766.99

A motion was made by Commissioner Martin, duly seconded by Commissioner Stricklend, all members voting affirmatively and so carried to approve payment request to Whitaker Contracting.

DISTRICT 3 – APPROVE LEASE WITH BANCORP SOUTH FOR 2 TRACTORS IN THE AMOUNT OF \$95,968.47

A motion was made by Commissioner Kelley, duly seconded by Commissioner Martin, all members voting affirmatively and so carried to approve lease with Bancorp South for 2 tractors and bush hogs in the amount of \$95,968.47.

03/22/2017

SHERIFF – APPROVE BERNEY PRINTER MAINTENANCE CONTRACT; \$243 MONTH

A motion was made by Commissioner Strickland, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve Berney Printer Maintenance Contract.

APPROVE FRANCHISE AGREEMENT WITH NORTH ALABAMA ELECTRIC COOPERATIVE

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve as recommended by the county attorney a franchise Agreement with North Alabama Electric Cooperative. This agreement is for 20 years and includes a fee of 3% of gross subscriber revenue.

APPROVE RESOLUTION REQUESTING ADEM TO REOPEN INVESTIGATION INTO BISHOP LANDFILL

A motion was made by Commissioner Kelley, duly seconded by Commissioner Swords, all members voting affirmatively and so carried to approve the resolution as read by the County Attorney requesting ADEM investigate Bishop Landfill.

STATE OF ALABAMA)
)
MARSHALL COUNTY)

RESOLUTION OF THE MARSHALL COUNTY COMMISSION

WHEREAS, Marshall County, Alabama is a political subdivision of the State of Alabama; and

WHEREAS, within the limits of Marshall County, Alabama, located on the Pleasant Grove Road, Section 5, Township 9 South, Range 3 East, lies real property previously used as Bishop Landfill; and

WHEREAS, the previous owner of the subject real property was Bishop Landfill, Inc and the current owner of the subject real property is Marshall C&D, LLC; and

WHEREAS, the Alabama Department of Environmental Management, in 2005, Marshall County Case Number CV05-200187, filed suit against Bishop Landfill, Inc and Philip Bishop; and

WHEREAS, in an order dated November 22, 2006, the Marshall County Circuit Court found that Bishop Landfill, Inc and Philip Bishop were in violation of ADEM regulations and that, as a result of such violations, the landfill constituted a nuisance *per se*; and

WHEREAS, the ADEM regulation violations on the subject property continue to the present creating, among other things, upon information and belief, water pollution in Lake Guntersville, odor pollution, unsanitary conditions and unsightly conditions at and around the subject real property.

NOW THEREFORE be it resolved that the Marshall County Commission hereby request that the Alabama Department of Environmental Management reopen its investigation into the violations at the subject property and continue its action against the owner of the landfill enforce ADEM regulations at the subject real property.

Adopted this the 22nd day of March, 2017.

S/James Hutcheson
James Hutcheson, Chairman

ATTEST:

03/22/2017

S/William H. Stricklend
William H. Stricklend, District 1

S/David Kelley
David Kelley, District 3

S/R.E. Martin
R. E. Martin, District 2 Vice Chairman

S/Jessie Swords
Jessie Swords, District 4

APPROVE 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 sell, trade or scrap of fixed assets.

	<u>FA#</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>REASON</u>
SCRAPPED	10669	Camera/monitor	IT	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Siren	EMA	Item is obsolete, broken or worn out
		Laptop	District 1	Item is obsolete, broken or worn out
SURPLUS		Cellphones	Commission	Item no longer needed in department
		Cellphones	Commission	Item no longer needed in department
		Cellphones	Commission	Item no longer needed in department
		Cellphones	Commission	Item no longer needed in department
		Cellphones	Commission	Item no longer needed in department
		Cellphones	Commission	Item no longer needed in department
		WIFI Jet packs	Commission	Item no longer needed in department
		Dump Truck	District 2	Item no longer needed in department

There being no further business; a motion was made by Commissioner Kelley, duly seconded by Commissioner Stricklend 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