

11/13/19

The Marshall County Commission met in regular session on Wednesday, November 13, 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 Commissioner David Kelley to lead the Invocation. He then asked Commissioner Ronny Shumate to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, 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 October 23, 2019 commission meeting and the claims docket for October 22, 2019 – November 11, 2019 for \$709,659.17.

APPROVE RESOLUTION VACATING FEEMSTER GAP ROAD

The Public hearing to vacate a portion of Feemster Gap Road was held at the regular 9:00am work session on November 13, 2019. A motion was made by Commissioner Shumate, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to waive the reading of the resolution to vacate portion of Feemster Gap Road. A motion was made by Commissioner Shumate, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve the resolution vacating portion of Feemster Gap as recommended by County Engineer. Chairman Hutcheson called for a roll call vote, Commissioner Shumate, yay, Commissioner Watson, yay, Commissioner Baker, yay, Commissioner Kelley, yay.

RESOLUTION VACATING PORTION OF FEEMSTER GAP ROAD

WHEREAS, the District 1 Commissioner, Ronny Shumate, sought to vacate a portion of Feemster Gap Road;

WHEREAS, notice was given pursuant to Alabama Law and a public hearing was conducted on November 13, 2019 at 9:00 am in the Commission Chambers of the Marshall County Courthouse in Guntersville, Alabama; and

WHEREAS, members of the public, and/or abutting landowners did appear at the public hearing to voice objection to the said vacation;

WHEREAS, the road to be vacated is a portion of "Feemster Gap Road" that is located in Marshall County, Alabama, more particularly described as follows, to-wit:

A TRACT OF LAND LYING AND BEING 30 FEET EACH SIDE OF, PARALLEL AND CONTIGUOUS TO THE FOLLOWING DESCRIBED LINE BEING FURTHER DESCRIBED AS A PORTION OF FEEMSTER GAP ROAD LYING IN SECTIONS 8 AND 9, TOWNSHIP 9, RANGE

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2 EAST, MARSHALL COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT A AXLE LOCATED AT THE SOUTHEAST CORNER OF SECTION 8, THEN A DISTANCE OF 1319.67 FEET TO A ⁵/₈ INCH DIAMETER REBAR. THEN A DISTANCE OF 193.25 FEET TO A POINT IN THE CENTERLINE OF SAID FEEMSTER GAP ROAD, THE POINT OF BEGINNING. THEN FROM THE POINT OF BEGINNING AND ALONG SAID CENTERLINE THE FOLLOWING DESCRIBED COURSES, A DISTANCE OF 37.90 FEET TO A POINT. THEN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 77.27 FEET, AN ARC LENGTH OF 121.14 FEET, AND A CHORD BEARING AND DISTANCE OF 109.11 FEET TO A POINT. THEN A DISTANCE OF 91.60 FEET TO A POINT. THEN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 401.03 FEET, AN ARC LENGTH OF 299.77 FEET, AND A CHORD BEARING AND DISTANCE OF 292.84 FEET TO A POINT. THEN A DISTANCE OF 81.16 FEET TO A POINT. THEN A DISTANCE OF 159.28 FEET TO A POINT. THEN A DISTANCE OF 205.67 FEET TO A POINT. THEN A DISTANCE OF 98.06 FEET TO A POINT. THEN A DISTANCE OF 188.94 FEET TO A POINT. THEN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 284.69 FEET, AN ARC LENGTH OF 145.16 FEET, AND A CHORD BEARING AND DISTANCE OF 143.60 FEET TO A POINT. THEN A DISTANCE OF 138.08 FEET TO A POINT. THEN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 665.61 FEET, AN ARC LENGTH OF 128.04 FEET, AND A CHORD BEARING AND DISTANCE OF 127.84 FEET TO A POINT. THEN A DISTANCE OF 395.79 FEET TO A POINT. THEN A DISTANCE OF 152.98 FEET TO A POINT. THEN ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 483.49 FEET, AN ARC LENGTH OF 53.35 FEET, AND A CHORD BEARING AND DISTANCE OF 53.32 FEET TO A POINT. THEN A DISTANCE OF 169.55 FEET TO A POINT. THEN A DISTANCE OF 65.34 FEET TO A POINT. THEN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 154.71 FEET, AN ARC LENGTH OF 30.31 FEET, AND A CHORD BEARING AND DISTANCE OF 30.26 FEET TO A POINT. THEN A DISTANCE OF 26.17 FEET TO END OF SAID CENTERLINE AND CONTAINING 3.57 ACRES MORE OR LESS. ACCORDING TO A SURVEY PREPARED BY ALLEN LAND SURVEYING DATED 07-19-2019, PROJECT NUMBER 18-35; and

WHEREAS, the above described vacation is in the public interest in that the road is currently closed as a result of the flooding that occurred on December 25, 2015 and has been impassable since. Further, the cost of reopening the said portion of Feemster Gap Road has been determined to be in excess of the value and worth of having the road reopened.

THEREFORE, BE IT RESOLVED as commissioners of Marshall County, Alabama, we hereby proclaim that the portion of Feemster Gap Road is vacated, discontinued, abandoned and annulled so as to destroy the force and effect of any dedication by map, plat or otherwise and to divest any and all rights of the public, including any rights which may have been acquired by dedication of plat, prescription or otherwise in that part of the road are hereby vacated.

Approved this the 13th day of November, 2019.

S/James Hutcheson

James Hutcheson, Commission Chair

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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

APPROVED and ACCEPTED:

S/Bob Pirando

BOB PIRANDO, County Engineer

S/Clint L. Maze

Clint L. Maze, County Attorney

APPROVE RESOLUTION FOR CONSTRUCTION OF TOWER SITE BY THE MARSHALL COUNTY EMERGENCY TELEPHONE SERVICE BOARD, INC. LOCATED ON WYETH MOUNTAIN

A motion was made by Commissioner Kelly, duly seconded by Commissioner Shumate, all members voting affirmatively and so carried to approve resolution for construction of the tower site by the Marshall County Emergency Telephone Service Board, Inc. located on Wyeth Mountain (Bright View Lane, Guntersville, AL) as read by County Attorney.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION REGARDING MARSHALL COUNTY EMERGENCY TELEPHONE SERVICE BOARD, INC WYETH MOUNTAIN TOWER SITE

WHEREAS, the Marshall County Commission, pursuant to ALA CODE § 11-98-1, *et seq.*, is the Creating Authority for the Marshall County Emergency Telephone Service Board, Inc. (hereinafter "Marshall County 911"), an Alabama Not for Profit Corporation; and

WHEREAS, Marshall County 911 has requested approval from the Marshall County Commission to construct a permanent tower on Wyeth Mountain, located on Bright View Lane, Guntersville, Alabama; and

WHEREAS, Marshall County 911 has secured the funding and the land necessary for the construction of the said Wyeth Mountain Tower.

NOW THEREFORE be it resolved that the Marshall County Commission hereby approves and grants authority to proceed for Marshall County 911 to construct the proposed tower on Wyeth Mountain located on Bright View Lane, Guntersville, Alabama.

Adopted this the 13th day of November, 2019.

S/James Hutcheson

JAMES HUTCHESON, Chairman

ATTEST:

S/Ronny Shumate

RONNY SHUMATE, District 1

S/David Kelley

DAVID KELLEY, District 3

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

S/Joey Baker
JOEY BAKER, District 4

MCPALS – ANNOUNCE WHITE GOODS PICKUP AND DUMPSTERS AT ALL DISTRICTS NOVEMBER 18, 2019 (DISTRICTS 1 & 2 FREE, DISTRICTS 3 & 4 PAY)

COUNTY AGENT – APPROVE PROCLAMATION FOR FARM/CITY WEEK NOVEMBER 22-28, 2019

A motion was made by Commissioner Shumate, duly seconded by Commissioner Kelly, all members voting affirmatively and so carried to approve Proclamation for Farm/City Week November 22-28, 2019 as read by County Attorney

A PROCLAMATION

For over 60 years during Thanksgiving week, the American people have observed Farm-City Week to express gratitude for the bounty with which God has blessed our land and to recognize the achievements of the farmers, rural townspeople, and city residents who make our Nation's agricultural production and distribution system so successful. Truly this cooperation between rural and city dwellers for mutual benefit helps ensure our country's well-being.

America's farmers have provided food and fiber to sustain our people throughout decade after decade of progress. Farmers' productivity has increased steadily, thanks largely to their initiative in supporting and adopting the methods and materials developed by scientific research. Yield per acre has grown tremendously, with the result that American farmers are able not only to meet the Nation's basic needs for foodstuffs, but also to produce agricultural goods for export and for a wide variety of specialty markets here in the United States and around the world.

American agriculture, and the many service industries that depend upon it in cities and towns and along all the routes in between, is a story of extraordinary labor creating extraordinary abundance. At this time of year, it is only fitting that all Americans offer some special sign of thanks to those who grow, harvest, and bring to our Nation's tables the fruits of sun, seed, and soil.

NOW, THEREFORE, I, S/James Hutcheson, Chairman of the County Commission of Marshall County, by virtue of the authority vested in me do hereby, proclaim the week of November 22 through November 28, 2019, as Alabama Farm-City Week. I call upon all citizens in rural and cities alike to join in recognizing the accomplishments of our productive farmers and of our urban residents, who cooperate to create abundance, wealth, and strength for our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand 13th day of November in the year of our Lord two thousand nineteen.

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DISTRICT 3 – APPROVE SOLICITATION OF BIDS FOR USED BULLDOZER

A motion was made by Commissioner Kelly, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve solicitation of bids for used bulldozer.

ENGINEERING – APPROVE RENEWAL OF SNOW/ICE REMOVAL CONTRACT WITH ALDOT

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve renewal of snow/ice removal contract with ALDOT as recommended by County Engineer.

ENGINEERING – APPROVE BID AWARD FOR FULL-SERVICE OIL CHANGE

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to award bid #39-19 for full-service oil changes. Prices reflect up to 6 quarts of oil.

VENDOR	SYNTHETIC OIL	SYNTHETIC BLEND	CONVENTIONAL
Wilks Tire & Battery Albertville, AL		\$34.79	
Westmoreland Tire Albertville, AL	\$55.99		\$31.99
B's Express Guntersville, AL	\$65.99	\$38.75	
Oliver Tire Guntersville, AL			\$37.99

ENGINEERING – APPROVE BID AWARD FOR BRAKE SERVICE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to award bid #40-19 for brake service. Prices were quoted per axle.

VENDOR	BRAKE PADS	PADS/ROTORS
Wilks Tire & Battery Albertville, AL	\$92.39	\$173.99
B's Express Guntersville, AL	\$98.99	\$250.00
Verlon Painter Motors (only bid 3 vehicle types)		
Tahoe	\$67.91	\$133.50
Dodge Charger	\$53.56	\$130.50
Police Interceptor (Crown Vic & Ford Explorer)	\$68.99	\$144.00

SHERIFF – APPROVE BID AWARD FOR REPLACEMENT OF DOOR CONTROL AND INTERCOMMUNICATIONS SYSTEM FOR JAIL TO BE PAID FROM COURTHOUSE AND JAIL FUND: \$167,720

A motion was made by Commissioner Kelly, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to award bid #42-19 to SWC in Decatur, AL for Jail replacement door controls and intercom system in the amount of \$167,720.00.

APPROVE \$37,000 FROM GENERAL FUND FUND BALANCE FOR 2 FULL TIME DEPUTIES TO BE USED FOR COURTHOUSE SECURITY

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve \$37,000 from General Fund fund balance for 2 full time deputies to be used for Courthouse Security.

CORONER – APPROVE THE PURCHASE ACCIDENTAL & DEATH (SPECIAL RISK) INSURANCE; TO BE PAID FROM CORONER'S BUDGET

A motion was made by Commissioner Baker, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve the purchase Accidental & Death (Special Risk) Insurance; to be paid from Coroner's budget. This insurance will cover the Coroner and deputy coroners.

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JUVENILE PROBATION – APPROVE CONTRACT WITH PINNACLE SCHOOLS D/B/A ELK RIVER TO PROVIDE CARE AND CUSTODY OF YOUTH IN JUVENILE COURT USING FUNDING FROM DEPARTMENT OF YOUTH SERVICES GRANT

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, all members voting affirmatively and so carried to approve contract with Pinnacle Schools d/b/a Elk River to provide care and custody of youth in Juvenile Court using funding from Department of Youth Services Grant.

ANIMAL CONTROL – APPROVE PETPOINT AGREEMENT FOR SOFTWARE FOR MICROCHIPPING ANIMALS

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, all members voting affirmatively and so carried to approve Petpoint Agreement for software for microchipping animals. The agreement states the software is free for Marshall County, However, the county is required to purchase at least 25 Microchips per year at \$6.00 each. They also require the animal adoption papers have a section that request email address and phone number that will be shared with Petpoint. The adoptee will have the option to opt out if not interested.

APPROVE SOLICITATION OF BIDS FOR WASTE SERVICES

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve solicitation of bids for waste services.

EMA – APPROVE AGREEMENT FOR PROFESSIONAL SERVICES FOR 2020 MARSHALL COUNTY MULTI-HAZARD MITIGATION PLAN UPDATE USING PREVIOUSLY APPROVED GRANT FUNDS

A motion was made by Commissioner Kelly, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve Agreement for Professional Services for 2020 Marshall County Multi-Hazard Mitigation Plan update using previously approved grant funds.

EMA – APPROVE RATIFICATION OF SENIOR SERVICE AMERICA, INC., SENIOR COMMUNITY SERVICE EMPLOYMENT AGREEMENT

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve ratification of Senior Service America, Inc., Senior Community Service Employment Agreement.

EMA – APPROVE RATIFICATION OF ALABAMA DEPARTMENT OF SENIOR SERVICES, SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM HOST AGENCY AGREEMENT

A motion was made by Commissioner Watson, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve ratification of Alabama Department of Senior Services, Senior Community Service Employment Program Host Agency Agreement.

EMA – APPROVE WEATHER WARN MAINTENANCE AGREEMENT WITH ALLCOMM WIRELESS, INC.

A motion was made by Commissioner Kelly, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve Weather Warn Maintenance Agreement with Allcomm Wireless, Inc.

PERSONNEL – APPROVE RATIFICATION OF ADS SECURITY AGREEMENT

A motion was made by Commissioner Baker, duly seconded by Commissioner Kelley, all members voting affirmatively and so carried to approve ratification of ADS Security agreement.

RED CROSS – APPROVE LEASE AGREEMENT FOR OFFICE SPACE

A motion was made by Commissioner Kelly, duly seconded by Commissioner Baker, all members voting affirmatively and so carried to approve lease agreement for Office Space.

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APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

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

<u>SCRAP</u>	5670	Amp Mixer	Maintenance	Item is obsolete, broken or worn out
	6452	Pre Amp Mixer	Maintenance	Item is obsolete, broken or worn out
<u>TRANSFER</u>				Item is no longer needed in department
<u>SELL</u>		Forklift	Sheriff	Item is no longer needed in department
	11169	2012 Dodge Charger	Sheriff	Item is no longer needed in department
		Blue high back chairs	Commission	Item is no longer needed in department
		Burgandy office chairs	Commission	Item is no longer needed in department

There being no further business a motion was made by Commissioner Kelley, 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