

12/09/2020

The Marshall County Commission met in regular session on Wednesday, December 9, 2020 at 10:00am in the Marshall County Commission Chambers.

PRESENT:

James Hutcheson, Chairman  
Shelly Fleisher, County Administrator  
Ronny Shumate, District 1 Commissioner  
James R. Watson, District 2 Commissioner  
Lee Sims, District 3 Commissioner  
Joey Baker, District 4 Commissioner  
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 County Attorney Clint Maze to lead the Invocation and Commissioner Watson to lead the Pledge of Allegiance.

During the 9:00 am work session Commissioner Rick Watson was sworn in as District #2 Commissioner. He was unable to be sworn in on 11/11/2020 due to a Covid-19 diagnoses.

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, 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 18, 2020 meeting and the claims docket for November 17, 2020 – December 7, 2020 for \$844,874.10.

APPROVE SELECTION OF VICE CHAIRMAN

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to appoint Joey Baker as Vice-Chairman of the Marshall County Commission.

APPROVE CANCELING DECEMBER 23, 2020 COMMISSION MEETING

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve cancelling the December 23, 2020 regular scheduled Commission meeting.

APPROVE RESOLUTION PERTAINING TO MARSHALL COUNTY COURTHOUSES

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve resolution pertaining to Marshall County Courthouses.

WHEREAS the County Commission has the authority to direct, control, and maintain property of the county, including the courthouses of the County, pursuant to Title 11, Subtitle 1, Chapter 3, Article 1, Section 11, Alabama Code (1975).

WHEREAS the County Commission is charged with the custody, authority, and duty to regulate the admission of persons and their activities at the County's courthouses pursuant to Title 11, Subtitle 1, Chapter 14, Section 9, Alabama Code (1975).

WHEREAS the County Commission desires to maintain, foster, and create a more harmonious environment at the County's courthouses, consistent and conducive with the functions of the government and the administration of justice.

12/09/2020

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

1.1 Prohibited Activities.

Any individual, group, or organization shall be prohibited from Picketing within the interior, and any part therein, of the Guntersville and Albertville County Courthouses. Any individual, group, or organization shall be permitted to engage in Picketing in or around the exterior portions or courtyards of the Guntersville and Albertville County Courthouses, provided such activities are in compliance with the provisions of this Resolution and do not interfere with the daily operations of government.

1.2 Picketing Defined

"Picketing" means the peaceful patrolling activity or demonstration by any individuals, groups, or organizations, often including chanting; the use of signs, banners, or flags to convey a message; or handing out flyers, pamphlets, brochures, or leaflets.

1.3 Picketing Prohibited Without Permit

A Person shall not, except with a Permit issued by the Office of the Marshall County Commission Chairman, or except by registration under such conditions as may be provided by this Section, engage in Picketing.

2.1 Registration

Any individual, group, or organization desiring to engage in Picketing activity in or around the exterior of the Guntersville or Albertville County Courthouse shall first register for a permit with the Office of the Marshall County Chairman, or his designee.

a. Time and Location

The opportunity to Register shall be made available during normal business hours at the Office of the Marshall County Chairman, or his designee, prior to the desired time and date for the proposed Picketing activity. Registration can occur the same day as the proposed Picketing activity.

b. Information

To Register, an interested individual or group shall provide, in writing, the following information:

i. Individual

If the Picketing shall involve only one person, that person shall specify his or her name and an address and telephone number where he or she can be contacted in the event of an emergency, along with the desired time, day, and duration of the Picketing activity.

ii. Group/ Organization

12/09/2020

If the Picketing shall involve two or more persons who desire to engage in concerted Picketing as a group or organization, the interested registrant shall specify:

1. The formal group/organization name, or a general reference thereto if there is no formal name.
2. The number of persons expected to participate in the activity.
3. The name of an individual designated to act as a spokesperson along with an address and telephone number where he or she can be contacted in the event of an emergency.
4. The desired time, day, and duration of the Picketing activity.

iii. Form

Registration forms may be provided and made available at the Office of the Marshall County Chairman, or his designee. For those desiring to use them, but no particular form need be used if the registrant supplies in writing the information required by this Section.

c. Duration

Proof of approval of picketing activity shall be required on a daily basis when the picketing occurs.

2.2 Permit Requirements and Procedures

The Marshall County Commission Chairman, or his designee, without regard to the viewpoint of the proposed Picketing, shall issue a permit upon the submission of a Registration upon finding the following:

a. No Conflict

No other individual, group, or organization has received a Picketing permit for the same time, day, and location.

b. Compliance

The Picketing sought to be permitted will comply with the standards, rules, and minimum requirements of this Resolution.

Permits shall be issued by the Marshall County Commission Chairman, or his designee, on a first come first serve basis, but the Marshall County Commission Chairman, or his designee, is permitted to exercise objective, nonbiased adjustments in the event one individual, group, or organization has not had an equal opportunity to engage in Picketing due to conflicts. Said individual, group, or organization who has not had an equal opportunity to engage in Picketing may be given priority for a given date and time over the first registrant to Register to engage in Picketing on the same time, day, and location.

12/09/2020

The Marshall County Commission Chairman, or his designee, shall not issue Permits that exceed a duration of three (3) consecutive days or six (6) nonconsecutive days. The Marshall County

Chairman, or his designee, shall not issue Permits for dates more than six (6) months in advance. The Marshall County Chairman, or his designee, shall not issue permits that are valid before 6:00 a.m. Central Time or after 8:00 p.m. Central Time.

The Marshall County Commission Chairman, or his designee, shall include a copy of this Resolution, and the Marshall County Commission Chairman, or his designee, shall verbally make the registrant aware of said standards, rules, and minimum requirements for Picketing of this Resolution.

Issuance decisions shall be made as soon as reasonably possible, but no later than seventy-two hours (72) hours from the time the initial Permit application is submitted. Should an issuance decision not be made within seventy-two hours (72) the requested permit will be deemed granted.

The Marshall County Commission Chairman, or his designee, may issue badges to be worn by those permitted to engage in Picketing in order for courthouse guards and the Marshall County Sheriff's Department to identify those who are permitted to engage in Picketing.

### 3.1 Rules, Standards, and Minimum Requirements for Picketing

- a. A picketer, permittee or registrant shall not block entrances or exits to the courthouse or otherwise obstruct, delay, or interfere with the free movements of any other person or seek to coerce or physically disturb any other person.
- b. A picketer, permittee or registrant shall not use sound or voice amplification systems, musical instruments, radio communication systems, or other electronic or mechanical sound devices in conjunction with any Picketing.
- c. Signs, placards, banners, or other material used in conjunction with Picketing shall not be affixed to the exterior of any building, sign, barrier, fences or monument.
- d. There shall be no more than thirty (30) persons Picketing at any given time.
- e. No picketer, permittee, or registrant shall have a firearm or other weapon on their person while Picketing.
- f. A picketer, permittee or registrant shall not erect structures, including canopies and tents.
- g. A picketer, permittee or registrant shall not engage in Picketing while within twenty-one (21) feet of the exteriors of the courthouse.
- h. A picketer, permittee, or registrant shall neither stand upon nor damage monuments on courthouse grounds, nor shall a picketer, permittee, or registrant come within areas zoned off with barriers surrounding monuments.

12/09/2020

- i. A picketer, permittee, or registrant shall not use chalk, paint, spray paint, or any other instrument or material to leave markings on the courthouse building, sidewalks, or monuments.
- j. if the Marshall County Chairman, or his designee, has issued badges pursuant to Section 2.2, the picketers, permittees, and registrant shall visibly wear them while engaging in Picketing.

### 3.2 Enforcement of Rules, Standards, and Minimum Requirements for Picketing

On duty courthouse guards, Marshall County Sheriff's Deputies and Designated Officials, and relevant Municipal Police Officers may enforce the rules, standards, and minimum requirements for Picketing through warnings, and if there is no compliance after one or more warnings, remove an offending individual or individuals from courthouse grounds, and if a group becomes violent, threatening, menacing, or unruly, take actions to disperse the crowd from courthouse grounds.

S/James Hutcheson  
James Hutcheson,  
Chairman, County Commission

S/Ronny Shumate  
Ronny Shumate,  
Commissioner, District 1

S/Lee Sims  
Lee Sims,  
Commissioner, District 3

S/Rick Watson  
Rick Watson,  
Commissioner, District 2

S/Joey Baker  
Joey Baker,  
Commissioner, District 4

#### DISTRICT 1 – APPROVE PRELIMINARY PLAT FOR THE COVE PHASE II SUBDIVISION

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve preliminary plat for The Cove Phase II Subdivision as recommended by the County Engineer.

#### DISTRICT 1 – APPROVE PRELIMINARY PLAT FOR THE FAIRWAYS AT STONEY MOUNTAIN PHASE I SUBDIVISION

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve preliminary plat for The Fairways at Stoney Mountain Phase I Subdivision as recommended by County Engineer.

#### DISTRICT 3 – APPROVE REDUCTION IN SPEED LIMIT ON MOUNT OLIVE DRIVE TO 30 MPH

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve reducing speed limit on Mount Olive Drive to 30 mph as recommended by County Engineer.

#### DISTRICT 3 – APPROVE LEASE FOR FINANCING OF TRACTORS

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve lease for financing of tractors through Citizens Bank & Trust. Commissioner Sims is purchasing two John Deere tractors off the Alabama State Bid List in the amount of \$121,885.38.

12/09/2020

PROBATE – APPROVE AGREEMENT AND RESOLUTION WITH ALABAMA SECRETARY OF STATE TO REIMBURSE SECRETARY OF STATE POSTAGE ON MAILING OF CERTAIN NOTICES REQUIRED BY ACT 95-769

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve agreement and resolution with Alabama Secretary of State to reimburse Secretary of State postage on mailing of certain notices required by Act 95-769.

RESOLUTION BY

MARSHALL COUNTY, ALABAMA, COMMISSION

WHEREAS Act 95-769 requires the Marshall County Board of Registrars to implement a voter file maintenance process, and

WHEREAS Act 95-769 also requires the Marshall County Commission to pay the cost of postage necessary to mail certain notices to voters and to subsequently apply for and receive reimbursement for such costs from the State of Alabama, and

WHEREAS the Alabama Secretary of State has indicated that her office is willing to serve as the agent for the Marshall County Commission for the purposes of paying postage costs and collecting reimbursements for such costs from the State Elections Fund as provided for in Act 95-769, and

WHEREAS the Alabama Secretary of State served as the agent for the Marshall County Commission in 1997, 2001, 2005, 2009, 2013, and 2017, for the purposes of paying postage costs and collecting reimbursements from the State Elections Fund as provided for in Act 95-769, 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 costs necessary for the mailing of certain notices to voters as required by Act 95-769 and collecting reimbursements for such costs from the State Elections Fund as provided in the Act, 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 county and the Office of the Alabama Secretary of State.

Adopted this 9<sup>th</sup> day of December of the year 2020.

S/James Hutcheson  
Chairman

S/Ronny Shumate  
D#1 Commissioner

S/Lees Sims  
D#3 Commissioner

S/James R. Watson  
D#2 Commissioner

S/Joey Baker  
D#4 Commissioner/Vice Chairman

APPROVE DIRECT SUPPORT REQUESTS FROM GENERAL FUND FUND BALANCE

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve direct support requests the same as the previous year with one exception, to increase the Marshall County Farm Extension Office from \$15,000 to \$30,000. These payments will be made out of the General Fund fund balance.

12/09/2020

Approved direct support request for FY 21

MC Coalition Against Domestic Violence	\$7,500
PALS	\$5,000
Association for Retarded Citizens	\$7,000
RSVP	\$28,550
CAJA	\$7,500
Homeless Shelter	\$12,000
Marshall County Farm Extension Office	\$30,000
Liberty Learning	\$5,000

APPROVE REQUESTS FROM GENERAL FUND FUND BALANCE

A motion was made by Commissioner Baker, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve requests from General Fund fund balance.

Approved funding from General Fund fund balance

5 new vehicles Sheriff's Office (equipment not included)	\$175,000
Fuel Station Software	\$13,000
Replace Green Skirt on fence at Armory	\$4,000
Fire Alarm System at Armory	\$22,400
Wyeth Mtn Tower Equip for EMA & Sheriff	\$1,100
Coroner Vehicle	\$35,000

REVENUE COMMISSION – APPROVE FUNDING REQUEST FOR MAPPER POSITION

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve funding request for Mapper position as requested by Revenue Commissioner Johnson. This position had previously been unfunded due to it being vacant for over a year.

SHERIFF – APPROVE AGREEMENT FOR HOUSING MUNICIPAL INMATES WITH OWENS CROSS ROADS

A motion was made by Commissioner Baker, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve agreement for Housing Municipal Inmates with Owens Cross Roads.

APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate, and 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>
SCRAP	(66) Lot of old cell phones	Sheriff	Item is obsolete, broken or worn out
1927	Microwave	District 3 District 4 to	Item is obsolete, broken or worn out
TRANSFER	(6) Motorola handheld radios	EMA	Item is no longer needed in department

AMEND AGENDA TO ADD INVITATION TO BID FOR EMA FOR CPR CHEST COMPRESSORS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to amend agenda to add invitation to bid for CPR Chest Compressors.

12/09/2020

APPROVE INVITATION TO BID EMA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve invitation to go out for bid for 21 or more Lucas CPR Chest Compressors as requested by EMA Director. A special called meeting will be held on 12/21/2020 for bid opening.

AMEND AGENDA TO ADD PAYMENT REQUEST FOR D#2

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to amend agenda to add payment request for Wisener Inc. in the amount of \$7,000.00.

APPROVE PAYMENT REQUEST TO WISENER INC.

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve the payment request for Wisener Inc. in the amount of \$7,000.00.

AMEND AGENDA TO ADD FUNDING LOCATION FOR ARCHTECT WITH JAIL PROJECT

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to amend agenda to add funding location for architect on jail project.

APPROVE PAYING ARCHITECT FROM CAPITOL IMPROVEMENT FUND

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve paying architect for jail project out of the Capitol Improvement fund.

There being no further business a motion was made by Commissioner Baker, duly seconded by Commissioner Sims 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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Lee Sims, District 3 Commissioner

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Joey Baker, District 4 Commissioner