

STATE OF ALABAMA §

LAUDERDALE COUNTY §

The Lauderdale County Commission convened at the Lauderdale County Courthouse in the City of Florence, Alabama at 9:00 a.m. on the 25<sup>th</sup> day of January, 2010. The meeting was called to order by the Judge of Probate who acted as Chairman. Upon roll call the following members answered present:

Dewey D. Mitchell	Judge of Probate, Ex-Officio Chairman Lauderdale County Commission
Rhea Tays Fulmer	Commissioner, District 1
D.C. Thornton	Commissioner, District 1
Fay Parker	Commissioner, District 2
Larry Irons	Commissioner, District 2

Legal Counsel:

Christopher A. Smith	County Attorney
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Dewey D. Mitchell, Chairman, upon declaration of a quorum being present, opened the meeting for the transaction of business.

Permission for audio recording of the proceedings was granted to Commissioner Fulmer.

The invocation was delivered by Commissioner Larry Irons.

Commissioner Irons moved, seconded by Commissioner Thornton that all items listed on the regular business agenda be approved for immediate consideration. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Thornton moved, seconded by Commissioner Fulmer that the minutes of the last regular meeting of the Commission be approved for recording. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Thornton moved, seconded by Commissioner Irons that a resolution be adopted calling for the introduction of a local bill which will provide for a local referendum to determine whether the position of Chairman of the Lauderdale County Commission should be separate and apart from the position of the Lauderdale County Probate Judge. After reading the

proposed resolution the Chairman stressed the fact that bringing this matter before the public does not infer that the Commission is taking an official position; but, rather they are allowing the citizens to have input and voice their opinion on the matter. Commissioner Irons agreed saying that this is simply showing support to allow voters to decide what type government we have in our county. Commissioner Parker stated that he would be in favor of a full time position but would not be able to support the bill as written paying a part time chair a \$40,000.00 salary. Commissioner Fulmer, reading from a prepared statement, said that the time has come to separate the positions; however, she could not support the \$40,000.00 salary and cited several budget constraints in the 2010 operating budget. Commissioner Thornton stated that the citizens should have opportunity to vote and that it was time for Lauderdale County to have a part time Chairman separate from the Probate Judge. The Chairman stated that this resolution confers authority to put the matter on the ballot by the electorate of Lauderdale County to allow the people to have their say as we enter the twenty first century. This is not an endorsement of the issue and is not derogatory against the issue. He went on to say that the Omnibus Pay Bill states explicitly what the probate judge will make. The County Commission does not set the probate judge salary. He added that the resolution and Legislation only allow for a vote on the issue. A limited number of counties currently have the combined probate judge/chairman position and there are others in the legislative process now to separate the two positions. Following further discussion and upon a voice vote taken, the following votes were cast:

Commissioner Fulmer - nay	Commissioner Thornton - aye
Commissioner Parker - nay	Commissioner Irons - aye

The vote having been tied, the Chair voted aye. The motion passed with a majority vote. Resolution and proposed legislation are recorded herein and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted amending portions of Legislative Act 800, Acts of Alabama, 1975 relating to the compensation supplement paid to future non-vested Lauderdale County Retired Circuit Judges. Since 1975 counties have supplemented retired circuit judges salaries; however, the necessity for the supplements was eliminated when the Legislature passed legislation revamping judicial compensation and making the supplements no longer necessary. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution and proposed legislation are herein recorded and made a part of these minutes.

Commissioner Parker moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing the payment of emergency overtime to seven Road Department employees who were called in to work due to heavy fog and icy conditions on January 18, a declared state and county holiday. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and documentation are herein recorded and made a part of these minutes.

In compliance with competitive bid laws of the State of Alabama, sealed bids were advertised for Bid No. 2010-16, "Reinforced Concrete Bridge Culver on County Road 33 over Dry Branch". Bids were received, publicly opened and read aloud on January 20, 2010. The bids were reviewed and evaluated by the engineering staff and a tabulation was prepared for Commission review. Commissioner Thornton moved, seconded by Commissioner Fulmer that the bid be awarded to Brooks and Son, Elkmont, Alabama, as recommended by the engineer. Brooks and Son is the low bidder in the amount of \$106,140.10. There being no further discussion and upon a vote taken, motion was unanimously approved. Bid tabulation is herein recorded and made a part of these minutes.

In compliance with competitive bid laws of the State of Alabama, sealed bids were advertised for Bid No. 2010-17, "Dump Trucks". Bids were received, publicly opened and read aloud on January 20, 2010. The engineering staff evaluated the bids and recommended the bid be awarded to Neely Coble Company of Decatur as the low bidder in the amount of \$83,740.00. Commissioner Thornton moved, seconded by Commissioner Fulmer that the bid be awarded to Neely Coble Co. as recommended. Following a brief discussion and upon a vote taken, motion unanimously approved. Bid tabulation is herein recorded and made a part of these minutes.

In compliance with competitive bid laws of the State of Alabama, sealed bids were advertised for Bid No. LA-2010-1, "Various Printing Jobs". Bids were received, publicly opened and read aloud on January 11, 2010. (Note: This bid was originally scheduled to be opened on January 8; however, the courthouse was closed due to ice and snow). A bid tabulation was prepared for Commission review. Commissioner Parker moved, seconded by Commissioner Irons that the bids be awarded to the low bidders as shown on the tabulation. There being no discussion and upon a vote taken, motion unanimously approved. Tabulation is herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Parker that juvenile medical bills in the amount of \$143.00 be authorized and ordered paid. The bills are more than one year old, however,

the physician did not receive the Medicaid payment until August 21, 2009. There being no further discussion and upon a vote taken, motion unanimously approved.

Commissioner Irons moved, seconded by Commissioner Fulmer that Drucilla Gambrell be reappointed to a three year term as the joint appointee to the Lauderdale County Regional Library Board contingent upon like action by the City of Florence. Term will begin February 4, 2010 and expire February 4, 2013 or at the time a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

The Chairman stated that the Commission has previously nominated Mr. Bill Hunt by contingent motion for reappointment to the Tourism Board. The City of Florence was not in agreement with the nomination. The county then suggested an ad hoc committee to select a candidate. That also failed. The County Attorney was directed to contact the City Attorney to try to find a solution and that failed. He pointed out that a City Councilman doubted the sincerity of the offer of compromise; however, during this meeting the Chair would entertain a motion for a nominee other than the original two nominees, also on a contingent basis. The Chairman further said that the name calling, mudslinging and character assassination as has been done in such a childish manner is not the way to handle this matter. He emphatically stated that he refused to stoop to that level, even after what has been said about him publicly and asked if there were any other nominations for the vacancy.

Commissioner Irons moved, seconded by Commissioner Thornton to nominate Robert (Bob) Hendon and to send the nomination to the City Council for their consideration.

Commissioner Fulmer stated that she felt there were more qualified candidates than Mr. Hendon and could not support someone whom she did not feel is the best candidate.

Commissioner Parker stated that he was not in favor of choosing someone for the position during today's meeting. He stated that he did not know about this issue being on the agenda until this morning and needs time to look at all the other applications.

The Chair spoke against the counter productive and divisive comments which have been made during this process and for everyone's benefit encouraged that the issue be resolved in a professional manner, further saying that this is not the way this has been handled in the past.

Commissioner Irons stated that he felt Mr. Hendon would serve both the county and the city with pride, honor and dignity. If the motion is passed today, the City can act on February 2, allowing the appointee to attend the February 11 Tourism Board meeting.

Commissioner Fulmer stated that she was more than ready to move on; however, she felt that the issue was far too important not to choose the best candidate and further stated that although Mr. Hendon might be a fine man, she did not feel that he was the best qualified candidate.

Commissioner Thornton stated that the Commission needs to move on this issue today.

The Chairman said he had not heard anything from the City except to create another board which would not be in the best interests of the City or the County. He stated that this issue has gone on too long and has taken up too much time and that there has been too much childish behavior and comments. There being no further discussion and upon a vote taken, the following votes were cast:

Fulmer - nay	Thornton - aye
Parker - nay	Irons - aye

There being a tie vote, the Chair stated that as much as it hurt him to do this to Mr. Hunt, he would vote aye in order to resolve the problem.

The motion passed.

The Chairman pointed out that this is the first time the County has ever had a board member to agree to continue to serve and then not be appointed.

The invoiced bills were audited, allowed and ordered paid upon a motion made by Commissioner Irons and seconded by Commissioner Parker. Following a brief discussion of the invoices and upon a vote taken, motion unanimously approved.

During the staff reports the County Engineer requested that the Commission consider voiding the contract with Rogers Group under Bid No. 2010-11, "Cold Mix for Patching" due to the unsuitable mix. He pointed out to the Commission that Rogers Group has tried to fix the problem by changing their design mix several times but the problems have continued. Commissioner Parker moved, seconded by Commissioner Fulmer that the contract be terminated and the cold mix be re-bid as soon as possible. There being no discussion and upon a vote taken, motion unanimously approved.

Solid Waste Manager asked the Commission to approve a ninety day extension of the probationary period for Rodney Purser to give the employee ample opportunity to make improvements on job performance. Commissioner Thornton moved, seconded by Commissioner Irons that the extension of the probationary period be approved as requested. There being no discussion and upon a vote taken, motion unanimously approved.

There being no further business to come before the Commission and upon a motion made by Commissioner Thornton and seconded by Commissioner Parker the meeting was duly adjourned until the next regular meeting subject to call.

CHECKS ISSUED JANUARY 11, 2010 THROUGH JANUARY 24, 2010

GENERAL FUND CHECK # 40101-40164	860,261.38
GASOLINE TAX FUND CHECK # 13510-13526	257,372.92
SOLID WASTE FUND CHECK # 4161-4177	158,955.00
REAPPRAISAL FUND CHECK # 8866-8877	25,639.28
RSVP FUND CHECK # 15421-15432	4,419.96
AGRI-BUSINESS FUND CHECK # 2960 & 2961	91.43
TOURISM, REC. & CONVENTION FUND CHECK # 355	312.00
LEPA FUND CHECK # 6344-6354 VOID # 6344, 6345, 6349	4,112.17
ACCOUNTS PAYABLE FUND CHECK # 28503-28559	259,518.80
SERIES 2001 DEBT SERVICE FUND CHECK # 175	12,055.42
REAPPRAISAL MONEY MARKET CHECK # 316	100,000.00
TVA TAX FUND CHECK # 4371-4383	514,599.37

PUBLIC BLDG., ROAD & BRIDGE SPECIAL CHECK # 350	500,000.00
RRR GASOLINE TAX FUND CHECK # 507	23,057.71
FIRE PROTECTION FEE FUND CHECK # 3407-3420	269,711.69
GENERAL – SPECIAL CHECK # 1016	500,000.00
INDUSTRIAL DEVELOPMENT TAX FUND CHECK # 1029	500,101.69
AL. TRUST CAPITAL IMPROVEMENT FUND CHECK # 214-216	55,320.88
CHILD PROTECTION FUND CHECK # 1093 & 1094	1,726.96
TOTAL	4,047,256.93

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Dewey D. Mitchell, Chairman  
Lauderdale County Commission

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D.C. Thornton, Commissioner  
District 1

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Rhea Tays Fulmer, Commissioner  
District 1

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Fay Parker, Commissioner  
District 2

ATTEST:

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Larry Irons, Commissioner  
District 2

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Administrator