

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 12th day of October, 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 |
| Christopher A. Smith | County Attorney |

Dewey D. Mitchell, Chairman, declared a quorum of the Commission to be present and the meeting open for the transaction of business.

The invocation was delivered by Commissioner Rhea Tays Fulmer.

Commissioner Irons moved, seconded by Commissioner Parker that all items listed on the agenda be approved for immediate consideration. There being no discussion and upon a vote taken, motion unanimously approved. Agenda is herein recorded and made a part of these minutes.

The minutes of the last regular meeting were approved for recording upon a motion made by Commissioner Thornton and seconded by Commissioner Fulmer. Upon a vote taken, motion unanimously approved.

Commissioner Irons moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing an agreement with Thompson Engineering for long range engineering and design services relative to the expansion of the Lauderdale County Landfill (Underwood Landfill). Projected cost of the agreement including but not limited to surveying, civil design, specifications, bidding and Geotechnical Services, etc. is \$156,000.00. Commissioner Irons stated that this expansion will take care of the needs of our citizens for fifty or sixty years and that time is crucial

in the implementation of this contract. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution and proposal are herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing and approving an application for Alabama Emergency Management Agency Hazard Mitigation Grant Program Funding in the amount of \$231,751.50 for 16 outdoor warning sirens, modification to narrow band for 30 existing sirens and a Northwest Alabama radio repeater and base linking system. The grant, if funded will require local match in the amount of \$77,250.50. Northwest Alabama Council of Governments will provide the administration for the grant application. Following a brief discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Parker moved, seconded by Commissioner Irons that a resolution be adopted rescheduling the road department to five eight-hour work days, Monday through Friday effective October 18, 2010 until further notice. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing the renewal of the software support agreements with Delta Computer Systems for the License Commissioner's Office (\$890.00 per month) and the Revenue Commissioner's Office (\$1,300.00 per month). There being no further discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Parker that a resolution be adopted authorizing a line item budget amendment for the Reappraisal budget. Final payments of fuel and insurance overextended line items; however, the overage was reconciled with excess funds in the postage line item. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and budget revision are herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Parker that Mr. John Allgood, Mr. Charles Kasmeier and Mrs. Emma Sue Watkins be reappointed to an additional one year term on the NACOLG Board of Directors as non elected appointees. Term shall begin October 1, 2010 and expire September 30, 2011 or whenever a successor is appointed.

Commissioner Parker moved, seconded by Commissioner Fulmer that Mr. Billy Ray Moore be reappointed to an additional three year term on the SEDA Board of Directors and that Mr. Greg Ezell be appointed to the board as a new appointee to fill the vacancy left by the expiration of Mr. Phillip Everett's term, also a three year term. Both appointments are effective October 1, 2010 and expiring September 30, 2013 or whenever a successor is named.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing the renewal of the bid contract with A&J Janitorial Services for a one year period effective November 1, 2010 and expiring October 31, 2011. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Parker that a resolution be adopted authorizing renewal of the bid contract with The Radio Shop for a one year period effective November 1, 2010 and expiring October 31, 2011. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Fulmer moved seconded by Commissioner Thornton that a resolution be adopted authorizing the continuation of an agreement with Printers & Stationers for the purchase of office supplies from the catalog at a 34.1% discount with certain exceptions. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Irons that a resolution be adopted authorizing the Commission to enter into an architectural agreement with Hill & Jangaard to provide design and oversight services for the Phase II Renovations of the Courthouse. This project could affect the second through fifth floors and will provide more efficient space. Commissioner Irons said it was his hope that the old jail could be turned into new office space for the Sheriff and District Attorney and that the project should improve the looks inside the Courthouse and that he was proud of this project. Commissioner Parker said he was proud to be a part of this project. He felt the pricing was a little extreme but he wants to see the project completed. The Chairman clarified that this was an architectural agreement and the total price of the project would be known when the bids were let. The project costs will be paid from the Alabama Capital Trust Improvement Fund. There being no further discussion and upon a vote

taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Thornton that a resolution be adopted accepting a proposal for pest control services for numerous county buildings from B&L Services Pest Control. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and proposal containing pricing for each building 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-2011-1, "Various Printing Jobs". Bid responses were received, publicly opened and read aloud on October 8 and bid tabulations were prepared for Commission review. Commissioner Parker moved, seconded by Commissioner Fulmer that the print bid be awarded to Printers and Stationers, low bidder for each job. There being no further discussion and upon a vote taken, motion unanimously approved. Bid tabulation is herein recorded and made a part of these minutes.

Commissioner Fulmer moved, seconded by Commissioner Thornton that a resolution be adopted approving and awarding a cable franchise agreement to CoBridge Telecom for service areas in Eastern Lauderdale County previously served by Charter. The transfer of assets for a portion of the Charter agreement was approved at a previous meeting. The County Attorney assured the Commission that this franchise is the same terms and conditions as all others. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution and franchise agreement are herein recorded and made a part of these minutes.

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

CHECKS ISSUED SEPTEMBER 27, 2010 THROUGH SEPTEMBER 30, 2010

| | |
|---------------------|------------|
| GENERAL FUND | 293,291.82 |
| CHECK # 41307-41339 | |
| | |
| GASOLINE TAX FUND | 110,757.21 |
| CHECK # 13803-13806 | |

| | |
|--|--------------|
| SOLID WASTE FUND CHECK # 4441 & 4442 | 28,333.40 |
| REAPPRAISAL FUND CHECK # 9092 & 9093 | 2,030.48 |
| RSVP FUND CHECK # 15590-15593 | 608.30 |
| RRR GASOLINE FUND CHECK # 523 | 6,504.76 |
| ACCOUNTS PAYABLE CHECK # 29655-29664 | 131,905.55 |
| AGRI-BUSINESS FUND CHECK # 3010 | 51.80 |
| TOBACCO TAX FUND CHECK # 2788 | 11,257.40 |
| TOURISM, RECREATIONS & CONV. FUND CHECK # 362 | 21,000.00 |
| INDUSTRIAL DEVELOPMENT TAX FUND CHECK # 1038 | 465,131.86 |
| FIRE PROTECTION FEE FUND CHECK # 3477-3490 | 1,328.93 |
| TOTAL | 1,072,201.51 |

CHECKS ISSUED OCTOBER 1, 2010 THROUGH OCTOBER 11, 2010

| | |
|--|------------|
| GENERAL FUND CHECK # 41340-41452 | 234,856.92 |
| GASOLINE TAX FUND CHECK # 13807-13817 VOID # 13807 | 108,995.81 |
| SOLID WASTE FUND | 49,006.22 |

| | |
|-----------------------|------------|
| CHECK # 4443-4453 | |
| REAPPRAISAL FUND | 18,737.70 |
| CHECK # 9094-9103 | |
| RSVP FUND | 3,154.55 |
| CHECK # 15594-15600 | |
| ACCOUNTS PAYABLE | 110,398.07 |
| CHECK # 29665-29692 | |
| VOID # 29666 | |
| AGRI-BUSINESS FUND | 473.66 |
| CHECK # 3011& 3012 | |
| LEPA FUND | 3,202.06 |
| CHECK # 6493-6499 | |
| CHILD PROTECTION FUND | 2,697.65 |
| CHECK # 1111 & 1112 | |
| | |
| TOTAL | 531,522.64 |

Chairman Mitchell called upon Commissioner Fulmer to begin a job performance review of EMA Director, George Grabryan.

Commissioner Fulmer began by stating that this would be a lengthy process as she had numerous things to discuss. She began by stating that the Florence Police Department Dive Team had requested eleven dry suits, flashlights and a generator which Mr. Grabryan denied. Why were they denied?

Mr. Grabryan responded that EMA has a dive master, Ken Rager. Following a discussion with Mr. Rager it was determined that the persons were not qualified to use the suits. The Generator was provided and sometime later, Mr. Rager spoke to dive team leader Greg Cobb to determine again if the person requesting the suits were qualified to use them and they were determined to be qualified.

Commissioner Fulmer stated that the Volunteer Fire Departments have requested training which has been denied.

Mr. Grabryan responded that the training has not been denied but put on the calendar trying to work around office responsibilities. He is also seeking grants for training. He stated that the curriculum was being changed to 80 hours from the previous 40 hours requirement and the textbooks themselves are being changed.

Commissioner Fulmer stated that the RSVP has requested for the last five years that the senior citizens be trained through the CERT Program which was never acted upon.

Mr. Grabryan explained that the CERT Program, to his knowledge, was based training community response teams in a physical area such as a neighborhood. He stated that he had explained that to the RSVP director.

Commissioner Fulmer stated that the R5 truck has a monthly test which she attended. She further described that an external generator was pulled over to the side of the truck. During the test it was discovered that the generator battery was dead and there were no jumper cables in the truck. She said she had a list of R5 needs handed to her which included jumper cables and she was told there was a set at the field operations building and George Grabryan has the other set.

Mr. Grabryan responded that the department has 8 or 9 “jump it kits” which are portable devices which act as jumper cables. He also stated that the generator is designed to keep the battery up.

Commissioner Fulmer responded that the point is that there is only one set of jumper cables.

Commissioner Fulmer stated that she had received a phone call from a man who needed a specific map from EMA and after contacting Mr. Grabryan was told that he could get the map. He did not get the map and called back. He never got the map and finally gave up.

Mr. Grabryan responded that EMA does not produce maps but is dependent on various other entities such as NACOLG, City of Florence IT Department and Planning Department.

Commissioner Fulmer stated that during an incident at the Marina, the Killen Fire Department requested 600 feet of boom to contain spilled fuel. They were told to call TVA. TVA said it was not their jurisdiction. The City of Florence got the boom but citizens were put in danger because of the time lapse. Your job is not to question why they need it but to get what they need.

Mr. Grabryan replied that TVA has the equipment ready to roll from Decatur. He stated that he spoke with the incident commander and gave him all the phone numbers for the TVA. The EMA does not routinely stock boom.

Commissioner Fulmer then brought up the July 4, 2004 drowning at Joe Wheeler Park. After you were contacted at McFarland Park you did not send anyone for one-half hour. The family did not understand English. You did not approve a certified diver to respond. Water currents move a body making it hard to find. An unnecessary burden was put on the family.

Mr. Grabryan responded that we did execute a response from Florence as soon as possible. One diver was doing free diving on the scene.

Commissioner Fulmer asked why a certified diver could not respond.

Mr. Grabryan said he did not know the time period but they executed as soon as possible. A diver was already diving.

Commissioner Fulmer spoke of a communications class in Nashville which George attended and then denied employee training in Alabama. She asked Mr. Grabryan why the training was denied.

Mr. Grabryan responded Drew Richards was slated to attend the class.

Commissioner Fulmer asked why Mark Senf was not allowed to attend the class if Drew Richards could not attend due to school.

Mr. Grabryan stated that he had other duties for Mark Senf during the time period.

Commissioner Fulmer said that at the Chiefs meetings at the Emergency Operations Center discussion was held regarding helicopter launch criteria. An example given was when a Tusculumbia based copter could not fly, they requested Vanderbilt, but it was denied. Later you checked to see if they could fly over the state line.

Mr. Grabryan replied that these things have been discussed at length at a number of meetings and quoting from one meeting “we have covered a lot of ground and don’t have a lot to talk about”. Grabryan went on to say that everyone who provides air ambulance close by is lined up to be used. Things have moved further since last summer.

Commissioner Fulmer asked Mr. Grabryan about an incident involving a man who had been thrown from a horse.

Mr. Grabryan stated that he didn’t know about the call specifically but he would research it and also stated that this is a 911 issue not EMA.

Commissioner Fulmer stated that one day she and Commissioner Parker went down to the Field Op Building and discovered that we could not do that. She went on to speak about Commissioner Parker calling Mark Senf. Mark Senf and Drew Richards told the story differently

from yours. I also understand that Drew Richards was reprimanded for this incident. I resent not being able to enter this building.

Mr. Grabryan replied that he did not reprimand Drew Richards and he did not have a conversation with Mark Senf regarding the issue. Mr. Grabryan went on to say that he had offered to give Commissioner Fulmer a key and key code access to the building and that he had sent out a memo to employees as Commissioner Fulmer had requested.

Commissioner Fulmer asked Mr. Grabryan about equipment purchased with grant funds and not being distributed and specifically referenced a 360° sonar to be used with a laptop and underwater camera.

Mr. Grabryan stated that this equipment should be available and he will check on it.

Commissioner Fulmer asked Mr. Grabryan about lifejackets and throw bags which were approved for purchase per Jim Walker to be placed in patrol cars and other emergency vehicles and asked where the equipment was.

Mr. Grabryan stated that he did not know but he would check on it.

Commissioner Fulmer then stated that it did not give her pleasure to bring up the next items but she had to be able to face the citizens. She reminded Mr. Grabryan of an incident in which a bicycle accident went over a bluff and landed below. You told Drew to take the flat bottom boat to the scene. Drew called to tell you that the emergency personnel on the scene had requested the inflatable boat. You told him to take the flat bottom instead. The emergency workers on the scene had to get a citizen to bring his canoe to the scene to gain access to the victim. When emergency personnel call for something, even a pink elephant, get it. Drew said he asked you why and you answered that no one was trained on the inflatable boat.

Mr. Grabryan stated that he would check on it.

Commissioner Fulmer stated that 50 traffic cones were loaned to a private individual to deliver EVOC training. She said that a private individual and a 911 board member had the cones for a long period of time using them for his personal use. She stated that she imagined there are a lot of people in the county who would like to use taxpayer equipment.

Mr. Grabryan replied that Sam Blackmon routinely trains for the volunteer fire departments; however, he did not know Mr. Blackmon received payment for conducting the Emergency Vehicle Operations Training. He told Commissioner Fulmer that if she did not want him to loan out equipment then he would not.

Commissioner Fulmer continued on by reading numerous emails from Mark Senf to George Grabryan and other office personnel regarding the loaning of the cones, the last one being dated September 14, 2010 which said that Senf had to use the new cones since the old ones were checked out.

Commissioner Fulmer asked Mr. Grabryan if he knew how to set off the tornado siren to which he replied that he did. Commissioner Fulmer then called up several incidents one of which on May 1, 2009 Mark Senf walked Mr. Grabryan through the process. On another date in 2010, assistance from Mark Senf was refused and you told him that 911 could set it off; however, 911 did not know how to set it off. On September 24, 2010 the EMA Secretary called George Grabryan to ask how to set it off and was told to call the Radio Shop who did not know. Commissioner Fulmer stated that he (Grabryan) was the EMA Director and he should know. Every Wednesday the sirens are tested and people who are nearby let you know if they are operable. She asked if he was aware that eleven of the sirens do not have contacts and called off the location of each. Mark Senf said you refused to allow him to find contacts for these eleven.

Commissioner Irons stated that most of the sirens are new and asked what the problem was with the sirens.

Mr. Grabryan responded that as far as he knew, the sirens were working.

Commissioner Irons stated that on June 6, 2009 there was a fuel explosion which was a two day operation and asked if Mr. Grabryan was on the site.

Mr. Grabryan responded that he was not.

Commissioner Irons stated that on February 3, 2010 there was an incident involving an 18-wheeler fuel leak which was a two day operation and asked Mr. Grabryan if he was on site.

Mr. Grabryan responded that he was not.

Commissioner Irons stated that on May 2, 2010 there was a flood on Shoals Creek which was a five to six day operation and asked Mr. Grabryan if he was on site.

Mr. Grabryan responded that he was not.

Commissioner Irons asked why or who ordered the planner to report every two hours and said that he has asked the Deputy Director, Tim Greer, to come into the meeting to answer that.

Mr. Greer responded that George issued the order.

Commissioner Irons stated that this employee has numerous phones (naming them) and that the order was nonsense, childish and foolish and asked what was the purpose of the order.

Mr. Grabryan responded that the purpose was to know what employees were doing.

Commissioner Irons then stated that it was not in the *Lauderdale County Policies and Procedure Manual* and asked the County Administrator if it was.

County Administrator, Jenoice Bevis, replied that it was not.

Commissioner Parker asked Mr. Grabryan if he trusted his employees and if he felt they were qualified and said that he could not understand why he would need to know every two hours. He again asked Mr. Grabryan if he trusted his employees.

Mr. Grabryan replied that he did.

Commissioner Parker asked if he thought the employee could do his job.

Mr. Grabryan replied that he did.

Commissioner Parker asked Mr. Grabryan on “this Shoals Creek thing” you talked to the other folks but did you not feel a need to be on site.

Mr. Grabryan responded that we are fortunate in Lauderdale County to have professional fire fighters who also serve as volunteers controlling the scene especially in Killen.

Commissioner Parker asked Mr. Grabryan if the Volunteer Fire Departments have a reluctance to call him.

Mr. Grabryan responded no and that he felt that we have fourteen good fire departments – 15 counting the City of Florence.

Commissioner Parker asked Mr. Grabryan why he would not follow through, why he was reluctant to do that.

Mr. Grabryan replied that on the boat it was a lack of training.

Commissioner Parker asked why the equipment was not available, are you too busy, is it too big a job for you, are you not giving these people a chance to use this equipment.

Mr. Grabryan replied that dive training was done regularly and he thought training had already been done on the dive equipment. He said this was highly specialized equipment.

Commissioner Thornton stated that he had been to meetings where Mr. Grabryan was in attendance and found him to always have a professional demeanor. He state that the allegations were new to him and had happened over four, five or six years ago.

Chairman Mitchell echoed Commissioner Thornton’s comments and said there were no complaints copied to Mr. Grabryan’s file in reference to a specific job performance issue. He stated that during the hiring process for the EMA Director it was made clear to all applicants by

himself and the late Mayor Eddie Frost that the Director is expected to communicate and to be involved with the Volunteer Department and that this requirement was put in place due to an incident prior to Mr. Grabryan's employment. He further stated that there were many accusations coming from employees in the office for five or six years back and that records should be pulled for accuracy. He stated that by following through with the proper chain of command, this issue can be addressed.

Commissioner Irons stated that he wanted the reporting every two hours stopped immediately and that he considered it harassment.

Commissioner Fulmer made a motion to enter executive session to discuss the good name and character of the employee. Commissioner Parker seconded and upon a vote taken, the following votes were cast:

| | | | |
|----------|-----|------------|-----|
| Fulmer - | aye | Thornton - | aye |
| Parker - | aye | Irons - | aye |

Chairman Mitchell adjourned the meeting to executive session by stating that the purpose would be to discuss the matter named and not to deliberate any issues. He then stated that the meeting would reconvene in approximately twenty minutes.

The meeting was reconvened after an eighteen minute executive session and was called to order in a public hearing to receive comments regarding the request of Kenneth Irby, Sr. to vacate a portion of Irby Drive. There were no comments received, either written or verbal. Commissioner Irons moved, seconded by Commissioner Parker that a resolution be adopted approving the request and vacating the property to Kenneth Irby, Sr. Following a brief discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes.

There were no staff reports; however, George Grabryan introduced Tim Greer, the new Deputy Director.

During the public comment period, David Charles, Center Star Fire Department stated that he took offense in reference to the professional firefighter comment made by Mr. Grabryan. He stated that although he was a volunteer, he was a professionally trained firefighter. Mr. Grabryan replied that he should have used the word "career" rather than "professional". Mr. Charles stated that he would take that as an apology. He spoke of the incident command system which everybody follows and stated that everybody follows and stated that everybody works for the incident commander and that there is usually a liaison officer which is the EMA officer. He then directed

his remarks to Mr. Grabryan saying that he did not expect people who worked for him to question him and if I ask for a pink elephant, that is your job, I know mine.

Trent Putman, Killen Volunteer Fire Department asked if the funds for 911 Director and the EMA Director come from two different sources or one source and asked how you do two jobs hired by two entities. He discussed what he thought to be the salary for both positions. Mr. Putman said George, like everyone else, has good points and bad points. He said George does an excellent job administering our grants. He went on to say that he felt there was a problem getting out equipment. He said they do have specialized training and that George is a part of that. He felt the equipment should be in emergency response vehicles and the problem could be fixed if we sit down and establish priorities such as training on equipment.

Commissioner Fulmer stated that to publicly discuss job performance has been a hard thing. She said she had no agenda. She said she expects no retaliation and said her comments came from two years of complaints. She said she was only one of four Commissioners but she did have a voice. Commissioner Fulmer then called for George Grabryan's resignation citing the following sections of the county policies and procedures manual:

Page 27, Section F, No. 1 citing unacceptable job performance and violations of county standards.

Page 30, Section B, No. 1-J citing theft, destruction, careless or negligent use, or willful damage of County property or property of others.

Page 31, Section B, No. 1-T citing incompetency or repeated inefficiency in the performance of duties.

Roe Mansell, Oakland Volunteer Fire Department, addressed the Commission, saying that the decisions need to be made on the scene and if he called for an ambulance or air evac, he wants it called. He said if they want a boat, then send it, and if they want a bowl of ice cream, give it to them and talk about it later.

Commissioner Irons thanked the Volunteer Fire Departments for being at the meeting and told them that without them, fire service would be a great expense for the county.

Commissioner Thornton told the firefighters that he appreciated their time and effort in trying to work through these problems.

Commissioner Parker told them he appreciated the job they do. He said he appreciated their dedication and loyalty to the County and appreciated the input he has received from them.

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

Dewey D. Mitchell, Chairman
Lauderdale County Commission

D.C. Thornton, Commissioner
District 1

Rhea Tays Fulmer, Commissioner
District 1

Fay Parker, Commissioner
District 2

ATTEST:

Larry Irons, Commissioner
District 2

Administrator