

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 11th day of October, 2011. 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

Absent:

Christopher A. Smith	County Attorney
----------------------	-----------------

Chairman Mitchell 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 Thornton that all items listed on the agenda be approved for immediate consideration during this meeting. There being no discussion and upon a vote taken, motion unanimously approved. Agenda is herein recorded and made a part of these minutes.

Commissioner Fulmer moved, seconded by Commissioner Thornton that the minutes of the previous meeting 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 designating the week of October 23 – 29, 2011 as PRO BONO WEEK. The resolution recognizes the work of the Lauderdale County Bar Association in serving the disadvantaged.

Attorney, Keith Medley, was present to receive the resolution on behalf of the Lauderdale County Bar Association. The resolution is herein recorded and made a part of these minutes.

Commissioner Fulmer moved, seconded by Commissioner Irons that a resolution be adopted extending appreciation and support for the Alabama Army National Guard's 115th Expeditionary Signal Battalion, who will soon be deployed to Afghanistan. The Commission also extended their appreciation to the families of those serving. During a brief discussion, the Commission was unanimous in their support, wishing the families well and holding the members of the 115th in their prayers and hearts until their safe return. Chairman Mitchell, having previously served in the 115th summarized by saying that he and the Commission wished them the best. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made a part of these minutes. Resolution will also be forwarded to the members of the 115th Signal Battalion.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing the disposal of county assets which have been removed from inventory. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and asset list are herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Thornton that a resolution be adopted authorizing a budget amendment to the 2012 Reappraisal Budget. The existing software contracts with ESRI, Apex, Delta and part of the new contract with KCS was omitted from the budget due to oversight. There being no further discussion and upon a vote taken, motion unanimously approved. The resolution and budget amendment request are herein recorded and made a part of these minutes.

Commissioner Irons moved, seconded by Commissioner Parker that a resolution be adopted authorizing the acceptance of a Juvenile Drug Court Grant in the amount of \$30,000.00 for use by the Family Court of Lauderdale County. The Commission office will provide administrative assistance using county funds and will be reimbursed for all expenses on a quarterly basis. There being no 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 supporting the agreement made between Regional Care and Florence Lauderdale Healthcare Authority Board of Directors and approved by the Commission for a hospital to be built in

Lauderdale County. Commissioner Irons stated that he supported the regional concept as long as it is built in Lauderdale County as previously agreed. He pointed out that there are 90,000 persons in Lauderdale County and 70-80,000 persons in Southern Tennessee and West Limestone County to support the hospital. He went on to say that there are numerous pharmacies, hotels, banks, restaurants and other shopping close to the Lauderdale site. He urged other counties and municipalities to contact Regional Care to state their position. Commissioner Fulmer said of all the many people who have contacted her, the number one question is – why has this company changed the rules? Commissioner Thornton said that within the 660 square miles of Lauderdale County there is a place for the hospital to locate. Commissioner Parker said that all of the Commission is in agreement and that they appreciate the good offer from Regional Care and ask that they live up to their offer. Chairman Mitchell joined with the Commission in asking that the hospital be built in Lauderdale County, stating that a deal is a deal and he urged Regional Care to stand by the agreement. There being no further discussion and upon a vote taken, motion unanimously approved. Chairman Mitchell asked that the resolution be forwarded to the ECM Hospital CEO, Mr. Roach and the Regional Care CEO, Mr. Rash. The resolution is herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing an agreement with M G Roofing in the amount of \$46,700.00 for a new roof over the second floor renovations of the Courthouse. Numerous leaks have been discovered during the renovations and contractors recommended quick action to prevent damage to the new walls and ceilings. 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 Alex Nelson and Bill Lyons be reappointed to a three year term on the SEDA Board of Directors effective October 1, 2011 and expiring September 30, 2014 or whenever a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Thornton moved, seconded by Commissioner Parker that Dr. John Yeates and Jack Sellers be reappointed to the Department of Human Resources Board of Directors for a six year term to begin immediately and expire September 1, 2017 or whenever a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Irons moved, seconded by Commissioner Thornton that John Allgood, Charles Kasmeier, Emma Sue Watkins and Horace Gray be reappointed to the NACOLG Non Elected Board of Directors effective immediately and expire September 30, 2012 or whenever a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Parker moved, seconded by Commissioner Fulmer that Randy Brown be reappointed to the Florence-Lauderdale EMS Committee for an additional term to begin immediately and expire April 2013 and that Ronnie Ray be appointed to a term on the Committee to fill the vacancy left by the expiration of the term of Brian Balch. His term will begin immediately and expire April, 2012. Both will serve as appointees of the Lauderdale County Volunteer Fire Departments for their term or until a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Parker moved, seconded by Commissioner Thornton that Alex Nelson be appointed to the Florence-Lauderdale Tourism Board to fill the vacancy left by the expiration of the term of Dr. Chris Bishop and that Kelli Gaputis be appointed to the board to fill the vacancy left by the expiration of the term of Selton Killen. Both Mr. Killen and Dr. Bishop chose not to seek reappointment. Terms will be for a period of four years to begin immediately and expire September 30, 2015 or whenever a successor is appointed. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Thornton moved, seconded by Commissioner Fulmer that a resolution be adopted authorizing the contract for sales tax collection to be awarded to Sales Tax Auditing and Collection Service (STACS). Proposals were received from RDS/AlaTax, STACS and the State Department of Revenue. Cost per transaction will be \$2.25 and auditing will be charged at \$45.00 per hour. The new contract will be effective March 1 for collection of February taxes. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution is 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 26, 2011 THROUGH SEPTEMBER 30, 2011

GENERAL FUND CHECK # 43083-43107	267,974.36
GASOLINE TAX FUND CHECK # 14210-14214	73,591.95
SOLID WASTE FUND CHECK # 4799-4800	48,986.32
REAPPRAISAL FUND CHECK # 9403-9405	3,106.39
RSVP FUND CHECK # 15819-15822	772.82
AGRI-BUSINESS FUND CHECK # 3091 & 3092	175.84
TOBACCO TAX FUND CHECK # 2820	13,873.58
INDUSTRIAL DEVELOPMENT TAX FUND CHECK # 1050	481,189.92
FIRE PROTECTION FEE FUND CHECK # 3604-3617	1,636.21
PUBLIC HIGHWAY & TRAFFIC FUND CHECK # 406	300,659.16
TOTAL	1,191,966.55

CHECKS ISSUED OCTOBER 1, 2011 THROUGH OCTOBER 10, 2011

GENERAL FUND CHECK # 43108-43125 VOID # 43108-43115	15,485.47
GENERAL – SPECIAL	213,678.23

CHECK # 43126-43234	
GASOLINE TAX FUND	105,673.19
CHECK # 14215-14228	
VOID # 14215 & 14216	
SOLID WASTE FUND	53,646.89
CHECK # 4801-4811	
VOID # 4801	
REAPPRAISAL FUND	19,515.30
CHECK # 9406-9415	
RSVP FUND	6,990.41
CHECK # 15823-15829	
ACCOUNTS PAYABLE FUND	68,370.21
CHECK # 31138-31160	
VOID # 31138, 31159	
AGRI-BUSINESS FUND	538.25
CHECK # 3093-3096	
LEPA FUND	2,111.00
CHECK # 6689-6695	
TOTAL	486,008.95

During the public comment period, Commissioner Parker moved, seconded by Commissioner Fulmer that a resolution be added to the agenda amending three prior resolutions for three roads in Lauderdale County. Following a brief discussion and upon a vote taken, motion failed with the following votes:

Parker - aye

Fulmer - aye

Thornton - nay

Irons - abstain

In stating his abstention, Commissioner Irons said he wanted to see the resolutions and discuss them more than twelve minutes in the work session. He stated that upon advice of the County Attorney, the resolutions need to be studied before any amendments are made. He felt the resolution should be

prepared stating the work to be done on these three roads and that more consideration needs to be taken. Chairman Mitchell stated that the motion required a unanimous vote.

Mr. Hank Thomas, Paradise Drive, thanked the Chairman for his service in the 115th Signal Battalion. Mr. Thomas stated that he was in attendance to talk about Paradise Drive and told the Commission that they have a contract with the citizens and he felt they were letting them down. He stated that the County will at some point be liable for the road; the Trail of Tears motorcyclists are afraid of traveling on Paradise Drive. He further stated that all the money had been spent to repair County Road 109 leaving Paradise Drive in terrible shape. He reminded the Commission that election time is just around the corner.

Commissioner Fulmer stated that the Commission has discussed the resolution for Paradise Drive more than twelve minutes in multiple worksessions.

Commissioner Irons agreed with Commissioner Fulmer saying that he meant to say that the amendment was briefly discussed at the last worksession.

Brad Whalen, Paradise Drive, spoke to the Commission regarding an incident on the road in which his wife jumped out of their vehicle scared for her life and asked Commissioner Parker what he did. Commissioner Parker stated that he brought his wrecker and helped Mr. Whalen.

Beth Gurley stated that new tires have to be purchased every 5,000 miles because of big chunks on the road. Ms. Gurley said she knew they lived in hills and hollows but she would like the Commission to consider the road.

Barry Rupp, Paradise Drive addressed the Commission saying that everyone has horror stories of the road. He went on to say that they had four break-ins in the last month or so. He said he lost everything in a break-in. The Sheriff told him the road was too bad to patrol and Sheriff's deputies have not been back on the road since the break-in. He praised the road department for the wonderful job on County Road 109.

Clint Droke stated that he had lived 35 years on Paradise Drive. In looking at county records, he had determined there are forty four on the unpaved portion of Paradise Drive and eighty percent have Lauderdale County addresses (voters). He stated an appraised value of \$5.8 for the properties and over \$28,000.00 paid in taxes with the average property value being \$240,000.00. Mr. Droke said if a way could be found to make the road passable, then property values would increase and taxes would increase, making it good for everyone, both economically and for safety.

Bobby Cromwell, Paradise Drive, said that since 1987 the road has deteriorated to the point that his guests park at the Waterloo Post Office and he transports them to his home.

Richard Parker, a resident of the area, said he did not have to travel Paradise Drive to get to the main road; but could use Pea Ridge which is further to travel. He stated that he appreciated the good work on Smith Road but was sympathetic to those on Paradise Drive.

Gilbert Parrish read a note from Commissioner Irons provided by Tom Ray in which Commissioner Irons said he would tar and gravel the road next year. According to Mr. Parrish, the note was dated in 2006. Mr. Parrish went on to say that Ken Allamel had given the cost of tar and gravel in 2007 to be \$25,000.00 per mile. He said he realized the cost would have changed, but most of the work is done and further stated that he did not understand their hesitancy to address this problem.

Janice Parrish, Paradise Drive stated that she sees the road condition as a safety factor since she has a heart condition.

Mel Grimes, a member of the Waterloo Town Council, commended the Commission for the resolution supporting the 115th Signal Battalion. He also commended the Paradise Drive residents for coming to the meeting and stating their issues. He said there are lots of issues interconnected and changes will be coming to Waterloo. He stated that they currently trying to have interviews for a police officer and that he intended to talk to Sheriff Willis. He said he had been in touch with Mo Brooks. He indicated that AT&T will provide broadband to Waterloo in December and there would be two more towers for public safety. Mr. Grimes stated that he appreciated the Commission's time.

Shelley Pettus was recognized to address the Commission. She said she had been coming to the meetings since the snow and then said to the residents of Paradise Drive that they deserve relief on their road. She then addressed the Commission by asking why they were dragging their feet and told them to step aside if they cannot get anything done and at election time they would get someone who could.

Commissioner Parker said that Paradise Drive was a bad situation. He further stated that no road was as bad as Paradise Drive and hopefully, one day the Commission would be able to do something before it was too late.

Commissioner Fulmer said this issue would be discussed further.

Chairman Mitchell read the last paragraph of the Paradise Drive resolution saying that this was the commitment from the Commission at that time and stated that the Commission was in

violation of their own resolution. Chairman Mitchell stated that the Commission has been compliant in keeping the road passable, spending over \$80,000.00 on the road.

Gilbert Parrish said he had spoken to the grader operator who told him that he was frightened to grade the road.

Commissioner Fulmer stated that if the County has spent \$80,000.00 on the road, would that not have been enough to have done something with Paradise Drive. There was further discussion regarding what deems the road passable.

There was further discussion regarding whether the road was passable and whether or not the Volunteer Fire Department could travel the road.

There being no further business to come before the Commission it was upon a motion made by Commissioner Thornton and seconded by Commissioner Fulmer 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