STATE OF ALABAMA

LAUDERDALE COUNTY

The Lauderdale County Commission convened at the Lauderdale County Courthouse in the City of Florence, Alabama at 5:00 p.m. on the 8<sup>th</sup> day of June, 2015. The meeting was called to order by the Chairman of the Lauderdale County Commission, Dewey D. Mitchell. Upon roll call, the following members answered present:

Dewey D. Mitchell

Chairman of Commission

Roger Garner

Commissioner, District 1

**Danny Pettus** 

Commissioner, District 1

Joe Hackworth

Commissioner, District 2

Fay Parker

Commissioner, District 2

Legal Counsel:

Christopher A. Smith

County Attorney

Chairman Mitchell, upon declaration of a quorum being present, opened the meeting for the transaction of business, and stated that the meeting was being audio recorded.

The invocation was delivered by Commissioner Roger Garner.

Awards and Presentations: none

Public Comment on Agenda Items: none

Commissioner Parker moved, seconded by Commissioner Garner 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. Agenda is herein recorded and made a

part of these minutes.

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

Commissioner Parker moved, seconded by Commissioner Hackworth that a resolution be adopted to authorize an advertisement in the Living Here 2015 Resident's Guide to Life in the Shoals. The cost of the ad is seven hundred seventy-nine dollars and forty cents, with the cost being paid out of the tourism fund. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made part of these minutes.

Commissioner Parker moved, seconded by Commissioner Garner that a resolution be adopted to authorize the sponsorship for the Shoals Chamber of Commerce Foundation. The cost of the sponsorship is two hundred and seventy-five dollars, which will be paid out of the tourism fund. This sponsorship will help enhance our community through educational and work force development. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made part of these minutes.

Commissioner Pettus moved, seconded by Commissioner Garner that a resolution be adopted to authorize the remodel of the employee's lounge at the Lauderdale County Detention Center. The cost of the remodel is two thousand and eleven dollars. The remodel will include new cabinets, counter top, and new appliances and paint. The work will be done by trustees. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and list of repairs are herein recorded and made part of these minutes.

Commissioner Hackworth moved, seconded by Commissioner Parker that a resolution be adopted to authorize the purchase of new carpet for three of the Judge's offices in the Lauderdale County Courthouse. The three judges having carpet replaced are Judge Gilbert Self, Judge Michael Jones and Judge Billy Jackson, at a combined cost of eight thousand one hundred and three dollars. This is to be paid out of the Alabama Trust Capital Improvement Fund. The carpet will be installed by McCrory's Carpets of Florence, Alabama. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and copy of estimate is herein recorded and made part of these minutes.

Commissioner Pettus moved, seconded by Commissioner Garner that a resolution be adopted to authorize a grant with Edward Byrne Memorial Justice Assistance Grant Program (JAG) in the amount of eleven thousand three hundred and eight dollars. The grant will be split with the City of Florence, with the amount of five thousand six hundred and fifty-four dollars going to both the City of Florence and the Lauderdale County Commission. There being no discussion and upon a vote taken, motion unanimously approved. Resolution is herein recorded and made part of these minutes.

Chairman Mitchell stated that there were two resolutions prepared for Golden Pond Road, one resolution was in favor of granting the variances and accepting Golden Pond Road into the Lauderdale County's road maintenance system and that the other resolution was not in favor of accepting the variances and not accepting Golden Pond Road into the Lauderdale County's road maintenance system. Chairman Mitchell asked for a motion to go forward with

one of the resolutions. Commissioner Parker stated that he would like to make a motion to go forward with the resolution in support of adopting Golden Pond road into the Lauderdale County road maintenance system, seconded by Commissioner Hackworth. Chairman Mitchell then called for a roll call vote at which the following Commissioners answered:

Garner-nay Pettus-aye

Parker-aye Hackworth-aye

Commissioner Pettus asked to read a statement concerning the terms of the resolution. See attached statement. Commissioner Parker stated that Mr. Greg Montgomery and the residents of Golden Pond Road were overdue to have this road be accepted into the Lauderdale County road maintenance system. Commissioner Parker stated that he had respect for Lauderdale County Engineer Eric Hill and his comments but this matter needed to be put behind us and voted upon. Commissioner Hackworth stated that the County Commission had been working on this for a while and that we had regulations then and regulations now and we had two issues: one being the sixty foot right-of-way and the other being the drainage pipes, but that they were sufficient to meet the needs of the road. Commissioner Hackworth stated that he thought that they have met the requirements. Chairman Mitchell stated that this road has been an ongoing situation since before he took office, a duration of at least twenty years. Chairman Mitchell stated that his position on this situation has nothing to do with any person or certain road. He stated that Golden Pond Road has never met the specifications of the Lauderdale County maintenance system, nor does it meet them now, and the Lauderdale County Engineers, Ken Allamel and Eric Hill, have both stated this on the record. Chairman Mitchell stated that his objection or concern is the rest of the County, citizens who have had roads that were not in the road maintenance system, that have been turned down for not meeting the Lauderdale County requirements prior to this road being accepted and we have not taken them into the system. Chairman Mitchell stated that we lose our consistency if we take in roads that do not meet the specifications, and then it is not fair to the citizens that we made meet the requirements before we accepted them into the County's system. Chairman Mitchell state that this has potential to cause problems on down the road from people who have been declined, and once again we must be fair and consistent County-wide, and to do for one and not do for everyone is a problem. Commissioner Pettus stated that Golden Pond had made a request and complied with this road and that he understood exactly and completely what the citizens of the County would do: they would see an unusual and different situation for this road and that all the records would show that. Commissioner Pettus then asked the County Attorney, Chris Smith, to have the Golden Pond road file copied and available to citizens at the Lauderdale County Commission office. Chairman Mitchell stated that there was a very extensive file at the Lauderdale County Road Department and a very factual file would be available at the Road Department. Chairman Mitchell stated that with a vote of three to one the resolution is adopted. Resolution is herein recorded and made part of these minutes.

Commissioner Pettus moved, seconded by Commissioner Garner to approve out-of-state travel for the following Sheriff's employees:

- 1. Deputies Reggie Gamble, J. R. Slaton, and Jason Brown to travel to the National association of School Resource Officers from July 4-10, 2015, in Orlando, Florida.
- 2. Deputy Brett Martin to travel to Interview and Interrogation Regional Counterdrug Training Academy August 8-14, 2015, in Meridian, Mississippi.
- 3. Missy Smith to travel to Legal Liability Risk Management Institute Training Seminar on Supervisor Liability June 23 and 24, 2015, in Murfreesboro, Tennessee.

There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Hackworth moved, seconded by Commissioner Garner to approve a Family Medical Leave of Absence for an employee of the Sheriff's Department. The leave will be from May 20, 2015 until July 6, 2015. There being no discussion and upon a vote taken, motion unanimously approved.

Commissioner Parker moved, seconded by Commissioner Garner to approve the reappointment of Bill Cochran to the Florence/Lauderdale Port Authority Board with the term to begin immediately and expire on July 2, 2020. There being no discussion and upon a vote taken, motion approved.

Commissioner Pettus moved, seconded by Commissioner Garner to reappoint Dwight Springer to the Floodplain Review Board with his term to begin immediately and to expire November 23, 2018. There being no discussion and upon a vote taken, motion unanimously approved.

In compliance with competitive bid laws of the State of Alabama, sealed bids were advertised for Bid No. LA 2015-1, "Various Print Bids." Bid responses were received, publicly opened and read aloud on June 5<sup>th</sup>, 2015. A bid tabulation sheet was prepared for Commissioner's review. Chairman Mitchell referred to Brenda Bryant, Lauderdale County Administrator, for the recommendation. Ms. Bryant stated that there were two bidders, Harold Printing of Florence, Alabama, and Printers and Stationers of Florence, Alabama. Ms. Bryant stated that she recommended that all of the bids be awarded to Printers and Stationers of Florence, Alabama, the low bidder. There being no discussion and upon a vote taken, motion unanimously approved. Bid to be awarded to Printers and Stationers, and a bid tabulation sheet is herein recorded and made a part of these minutes.

The invoiced bills were audited, allowed, and ordered to be paid upon motion made by Commissioner Pettus and seconded by Commissioner Parker. There being no discussion of the invoices and upon a vote taken, motion unanimously approved.

## CHECKS ISSUED MAY $26^{\text{TH}}$ , 2015 THROUGH JUNE $7^{\text{TH}}$ , 2015

GENERAL-SPECIAL CHECK # 49369-49431 VOID CHECK #49414	302,549.69
AGRI-BUSINESS FUND CHECK # 3384-3387	568.56
LEPA FUND CHECK # 7409-7415	4,178.27
GASOLINE TAX FUND CHECK # 15610-15622	160,232.04
PUBLIC BLDG., R & B SPECIAL CHECK # N/A	0.00
PUBLIC HIGHWAY & TRAFFIC FUND CHECK # N/A	0.00
AL. TRUST CAPITAL IMPROVEMENT FUND CHECK # 302	625.00
RRR GASOLINE TAX FUND CHECK # 607	5,480.33
REAPPRAISAL FUND CHECK # 10521-10532	22,747.34
REAPPRAISAL MONEY MARKET CHECK # N/A	0.00
TOURISM, REC. & CONVENTION FUND CHECK # N/A	0.00
RSVP FUND CHECK # 16543-16550	2,382.18
CHILD PROTECTION FUND CHECK # 1182	392.32
SERIES 2001 DEBT SERVICE FUND CHECK # 238	12,594.79
CDBG FUND CHECK # N/A	0.00
SOLID WASTE FUND CHECK # 6106-6117	119,032.40
ACCOUNT PAYABLE FUND CHECK # 36341-36413	201,158.34
FIRE PROTECTION FEE FUND CHECK # 4100-4113	16,872.24
INDUSTRIAL DEVELOPMENT TAX FUND	0.00

TOBACCO TAX FUND 13,860.00 CHECK # 2935-2937

TVA TAX FUND 453,232.02 CHECK # 5212-5223

TOTAL 1,315,905.52

Scheduled Public Hearings: Emerald Beach Vacation

Chairman Mitchell asked Chris Smith, Lauderdale County Attorney, to address the Emerald Beach Vacation. Mr. Smith stated that the residents of Emerald Beach have followed the steps of the Alabama State Law and had all the correct documentations on file, and they had followed the correct procedures to post the Public Hearings. Mr. Smith stated that the Lauderdale County Commission could go forward and grant the vacation at this time if they so wished. Commissioner Garner moved, seconded by Commissioner Pettus to go forward with the resolution to grant the vacation of Emerald Beach. There being no discussion and upon a vote taken, motion unanimously approved. Resolution and a copy of the map of the vacation is herein recorded and made part of these minutes.

Staff Reports: none

**Public Comments:** 

Nancy Muse of 246 Robinhood Drive, Florence, Alabama stated that she had been a teacher for over twenty-one years for the Lauderdale County School System and she wished to put in a plug for the solar panel company that wanted to locate in our community. Ms. Muse stated that this would be a big boost to our county school system and to the local economy. Ms. Muse stated that after reading the article in the local paper she wanted to know that if the Commissioners did not give the tax abatement, would that make or break the deal. Commissioner Pettus stated that it would not rule them out of not coming, that chances are this was not a deal breaker. Ms. Muse stated that she had been promoting solar energy since she was two years old and that solar energy was used everywhere. She said that allowing the solar panel company to come would be for the greater good and it would not be problematic to the roads or bridges in the area, it would cause no traffic issues, and it would not harm the farm land. Ms. Muse stated that it would have a very low impact on the County.

John Crowder of 421 Nottingham Road, Florence, Alabama stated that he was in favor of the solar panel company coming to the County. He stated that solar energy was used throughout the area now for road signs and that solar power is used everywhere. Mr. Crowder stated that in 2014, solar power grew more than 34% over the previous year, and that letting this company come to Lauderdale County would be a win-win situation.

Chairman Mitchell asked Chris Smith, Lauderdale County Attorney, to explain adjourning into executive session. Mr. Smith stated that for the Lauderdale County Commission to adjourn into an executive session it must fall under one of four circumstances. This meeting would fall under the circumstance of "Pending Litigation" and it must be voted upon and recorded by a roll call vote. Commissioner Hackworth moved, seconded by Commissioner Pettus to convene into an executive session.

Garner-aye Pettus-aye

Parker-aye Hackworth-aye

Chairman Mitchell declared the motion unanimously approved, and stated that the Lauderdale County Commission meeting is adjourned but a work session will follow the executive session.

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

## LAUDERDALE COUNTY COMMISSION

Dewey D. Mitchell, Chairman
Danny Pettus, Commissioner
Roger Garner, Commissioner
Fay Parker, Commissioner
Joe Hackworth, Commissioner

## June 8, 2015

A few years ago, the residents of Golden Pond Road wanted the County to accept their road into the system for maintenance. At that time, they were told by some on the Commission that they were in the Florence Planning Jurisdiction, and that they needed to deal with the City. By word of mouth, they were given the impression, that if they met the requirements of the City, the County would accept their road. This belief led them to spend about \$25,000.00, and the City said they met those requirements (I have attached a copy of that letter).

I cannot see anyone spending \$25,000.00, unless they were acting in good faith, that when they met the City's requirements, the road would be accepted by the County. Since the County's standards are higher than the City's standards, and since the City would accept the road if it met County standards, no one from the County should ever have sent them to the City to go by their requirements. This would have eliminated any misunderstanding and the residents would not feel like they were misled.

i believe in going by the rules and requirements of County. I also believe in treating people right. I believe in being fair and honest. Because I believe the residents of Golden Pond Road were, not necessarily intentionally, but nonetheless misled and misdirected by some on the Commission, I recommend that the County accept the road into the system for maintenance.

**Danny Pettus**