

STATE OF ALABAMA §

LAUDERDALE COUNTY §

The Lauderdale County Commission convened at the Lauderdale County Courthouse in the City of Florence, Alabama at 11:00 a.m. on the 28<sup>th</sup> day of July, 2014. The meeting was called to order by the Chairman of the Lauderdale Commission, Dewey D. Mitchell. Upon roll call, the following members answered present:

Dewey D. Mitchell	Chairman of Commission
Roger Garner	Commissioner, District 1
D.C. Thornton	Commissioner, District 1
Larry Irons	Commissioner, District 2
Fay Parker	Commissioner, District 2

Legal Counsel:

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

The invocation was delivered by Commissioner Roger Garner.

Award and Presentations: None

Public Comments on Agenda Items: None

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. Agenda is herein recorded and made a part of these minutes.

Commissioner Thornton moved, seconded by Commissioner Garner 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 Irons moved, seconded by Commissioner Parker that a resolution be adopted authorizing the lease agreement with Rogers Broadcasting for tower space with Lauderdale County Emergency Management Agency. This is a one year lease in the amount of three thousand four hundred and twenty dollars. There being no further discussion and upon a vote taken, motion unanimously approved. Resolution and contract is herein recorded and made part of these minutes.

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

#### Scheduled Public Hearings: Vacation of Easement

Chairman Mitchell stated that the notification of the vacation easement had run for four consecutive weeks in a local paper and that the deadline to turn in any written statements about the vacation easement had to be turned in by July 25<sup>th</sup>, 2014 to the Lauderdale County Commission's Office by 5 p.m. Chairman Mitchell asked Brenda Bryant, County Administrator, if she had received any written statements, Ms. Bryant stated that she had received seven letters. Chairman Mitchell asked if the letters were in favor of the vacation or against going forward with the vacation. Ms. Bryant stated that all letters sent to the Commissioner's Office were in favor of the vacation easement. Letters are herein recorded and made part of these minutes. Chairman Mitchell stated that the issue today was the 100 foot undeveloped easement and consist of approximately six acres inside the corporate limits of the City of Florence, Alabama. At which time Chris Smith, Lauderdale County Attorney, discussed the rules of the public hearing; that all questions must be directed through the Lauderdale County Commission Chairman and

everyone had three minutes to speak and times could be extended or reduced by the Commission.

Don Strait, Mayor of St. Florian, stated that he had a copy of the deed of the easement when Mr. Buffler had sold the property and it stated on the deed that he was selling so a road could be built on the easement; if the vacation was taken away that would take away the chance of a road ever being built.

Claire Eckl, of St. Florian, stated that we needed to keep the easement for the citizens of St. Florian and the people could benefit from a road being there.

Paul Stumpe, of St. Florian, stated that the easement was given for a road and minority of the people was short sighted and the majority of the people wanted a road.

Jean Eckl Elliot stated the easement was given so a road could help the citizens of St. Florian. Ms. Elliot asked Chairman Mitchell if SEDA had purchased the property. Chairman Mitchell stated that the 160 acres was sold to SIDC.

Chairman Mitchell stated that the purpose of the land purchases were for Economic Development only and this is the only way SEDA could market the land was if SIDC purchased the land and easement and conveyed the title to SEDA; that does not mean that a road cannot be built on the property; Chairman then opened the meeting for the Commissioners to speak. Commissioner Irons stated that the 154 acres had been paid for; it was only the six acres that had not. Commissioner D.C. Thornton stated that SEDA had made a request on February 6, 2014, asking for a vacation and then withdrew the request when they did not get the approval of the Eckl's. Chairman Mitchell stated that on July 25<sup>th</sup>, 2014, the Commissioner's office had received a letter from the President of SEDA and he read the letter aloud (letter attached with minutes). Commissioner Thornton asked Chairman Mitchell if SEDA and IDB were non-profit organizations; Chairman Mitchell stated that they were. Commissioner Thornton then asked, what part does SEDA play in this process and Chairman Mitchell stated that they work on the construction and marketing part of the property and SEDA can not market any property

that is encumbered. Chairman Mitchell stated that where TASUS is located that land was given to TASUS for development purposes. Commissioner Thornton stated that he considered the vacation easement an asset and did not want to rule it out; that it could be a road one day. Commissioner Parker stated that he looked at the easement and it had value even if the easement was not vacated, and he thought that the land would sell; he also stated that since this land means so much to everyone he thought that the County Commission should back off the easement. Commissioner Irons stated that he voted for the ½ cent sales tax and he was for job development but he would like to see the easement remain and no one knows what will happen. Chairman Mitchell stated that from the 1990's it was his intent to be for job openings and opportunities and that the issue is a 100 foot right of way. For 16 years there has been an effort to try and get a road on that property because of the convenience of the location but due to historical concerns and other citizen's complaints it did not happen. But that hope had died when the Alabama DOT sent a letter stating that they were not going forward with the road. By not vacating this property, it will close the likely hood of the development and in return new jobs for the community due to the encumbrance, which will make it harder to create jobs. In summary, if you do vacate you can market the property to make it possible to create jobs and also a road can still be built if needed. Chairman Mitchell stated the one thing only he was interested in was creating jobs; we need all the opportunities we can get. Commissioner Irons stated that he thought the land could still be marketed with the easement.

Chris Smith, Lauderdale County Attorney, stated that the next step would be to take an up or down vote on the easement. Commissioner Irons moved, seconded by Commissioner Parker to vote on the easement.

Commissioner Irons	Aye	Commissioner Thornton	Aye
Commissioner Parker	Aye	Commissioner Garner	Nay

Since it was not a unanimous vote, the matter is tabled to the next meeting on August 11, 2014, and it will be part of the regular meeting.

Staff Reports: None

Public Comment Period: None

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