

SUMMARY OF MINUTES  
CALHOUN COUNTY COMMISSION  
JUNE 25, 2009

The regular meeting of the Calhoun County Commission was called to order by Chairman Hess and all Commissioners were present. Commissioner Downing gave an invocation.

The Commissioners approved the payment of warrants issued, to-wit:

Commissioner Downing made a motion to adopt the agenda, followed by a second to the motion by Commissioner Henderson. All Commissioners voted in favor of the motion.

Kenneth Colburn was presented a certificate in recognition of his retirement after six years of outstanding service as security guard at the County Administration Building.

Rodney Owens, with the Anniston Water Works and Sewer Board, was recognized for receiving the Chamber of Commerce Roy Crow Award, which is presented each year to a Leadership Calhoun County alumni for outstanding service.

A motion was made by Commissioner Dunn to adopt the minutes of the previous meeting. Commissioner Downing seconded the motion and all Commissioners voted in favor of the motion.

Commissioner Henderson made a motion to proceed with the nuisance abatement on property located at 609 N. Marshall Street, Anniston, owned by Edward Timon Gardner, as recommended by Environmental Enforcement Officer David Pirritano. The owner was not present. Commissioner Abbott seconded the motion and all Commissioners voted in favor of the motion. (RESOLUTION IN FILE)

A motion was made by Commissioner Abbott, and seconded by Commissioner Henderson, to dismiss the nuisance abatement on property located at 3600 Railroad Avenue, Anniston, owned by Beulah P. Harlow, as recommended by Mr. Pirritano. The motion carried by a unanimous vote of the Commissioners.

Commissioner Downing made a motion to dismiss the nuisance abatement on property located at 435 East 54<sup>th</sup> Street, Anniston, owned by Billy Hodge, as recommended by Mr. Pirritano. Following a second to the motion by Commissioner Dunn, all Commissioners voted in favor of the motion.

Commissioner Abbott made a motion to award the bid for paving and bridge construction for Phase I of an Industrial Access Road at McClellan known as Iron Mountain Road to the low bidder, Holmes 2 Excavating, for the base bid in the amount of \$2,573,808.15 (excluding engineering and inspection estimates), plus alternates 1, 2, and 3, totaling \$25,822, and Commissioner Abbott agreed to fund the alternates from his portion of the 2¢ funds. Commissioner Henderson seconded the motion and the motion carried by a unanimous vote of the Commissioners. (RESOLUTION ATTACHED)

A resolution concerning the intent to purchase equipment in FY10 for use at the Calhoun County Highway Department was presented by County Administrator Ken Joiner. Commissioner Dunn made a motion to adopt the resolution as read. Following a second to the motion by Commissioner Downing, all Commissioners voted in favor of the motion. (RESOLUTION ATTACHED)

Commissioner Downing made a motion to ratify the execution of a contract by the Chairman, for and on behalf of Calhoun County, on June 15, 2009, for employment of Brian W. Rosenbalm, as County Engineer, effective July 18, 2009, as presented by Mr. Joiner. Commissioner Dunn seconded the motion and a vote of the Commissioners was unanimously in favor of the motion. (CONTRACT ATTACHED)

A motion was made by Commissioner Dunn, and seconded by Commissioner Henderson, to authorize the Chairman to sign a three-year contract with Russell V. Gann, for continued employment as Assistant County Engineer, as presented by Mr. Joiner. All Commissioners voted in favor of the motion. (CONTRACT ATTACHED)

The Chairman was authorized by a unanimous vote of the Commissioners to sign a three-year contract with Michael J. Hosch for continued employment as Assistant County Engineer, as presented by Mr. Joiner. Commissioner Henderson made the motion to authorize the Chairman to sign the contract and Commissioner Dunn seconded the motion. (CONTRACT ATTACHED)

Commissioner Dunn made a motion to authorize the chairman to sign a one-year extension of the contract to employ Jennifer Yates as Calhoun County Recycling and Waste Reduction Coordinator, effective June 16, 2009. The motion was seconded by Commissioner Downing and the motion carried by a unanimous vote of the Commissioners. (CONTRACT ATTACHED)

A motion was made by Commissioner Henderson, and seconded by Commissioner Abbott, to authorize the Chairman to sign an agreement with East Central Alabama United Cerebral Palsy to provide funding in the amount of \$5,000 for services to families who are indigent and have cerebral palsy. All Commissioners voted in favor of the motion. (AGREEMENT IN FILE)

Commissioner Dunn made a motion to authorize the Chairman to sign an agreement with the American Red Cross, Calhoun County Chapter, to provide funding in the amount of \$5,000 for emergency aid, assistance, and services in Calhoun County. The motion was seconded by Commissioner Downing and the motion carried by a unanimous vote of the Commissioners. (CONTRACT IN FILE)

A resolution was presented by Mr. Joiner authorizing the application for Recovery Act-Energy Efficiency and Conservation Block Grant funding. Commissioner Dunn made a motion, which was seconded by Commissioner Downing, to adopt the resolution as read. The resolution was adopted by a unanimous vote of the Commissioners. (RESOLUTION ATTACHED)

Mr. Joiner presented two agreements for Homeland Security funding, totaling \$15,000, to be used for the sustainment of the Regional Communications (R-7) emergency vehicle. Commissioner Henderson made a motion to authorize the Chairman to sign both agreements and Commissioner Downing seconded the motion. All Commissioners voted in favor of the motion. (AGREEMENTS IN FILE)

County Engineer Charles Markert presented a resolution and quitclaim deed from the Alabama Department of Transportation to transfer to Calhoun County certain excess right of way on SR-202, as authorized by the County Commission at its meeting on May 14, 2009. Commissioner Dunn made a motion to adopt the resolution, as recommended by the County Engineer. Commissioner Henderson seconded the motion and the motion carried by a unanimous vote of the Commissioners. (RESOLUTION & QUITCLAIM DEED ATTACHED)

Mr. Markert presented a resolution, agreement, and quitclaim deed for the transfer of ownership and maintenance of a portion of old SR-202 from the Alabama Department of Transportation to Calhoun County. Commissioner Downing made a motion to adopt the resolution and to authorize the Chairman to sign the agreement with certain covenants as recommended by the County Engineer. Commissioner Henderson seconded the motion and all Commissioners voted in favor of the motion. (RESOLUTION, AGREEMENT, AND QUITCLAIM DEED ATTACHED)

Commissioner Dunn made a motion to adopt a resolution, as presented by Mr. Joiner, to provide for a public works project to renovate and repair a public building known as the "Gayles Building," in order to accommodate a Family Treatment Drug Court Program. The motion was seconded by Commissioner Downing and a vote of the Commissioners was unanimously in favor of the motion. (RESOLUTION ATTACHED)

A resolution concerning Calhoun County's annual participation in the Sales and Use Tax Holiday was presented by Mr. Joiner. Commissioner Dunn made a motion to adopt the resolution as read and Commissioner Henderson seconded the motion. The motion carried by a unanimous vote of the Commissioners. (RESOLUTION ATTACHED)

A motion was made by Commissioner Dunn to authorize the Chairman to sign a permanent easement agreement with the Anniston Water Works and Sewer Board in order to locate a new water pumping station for McClellan along Summerall Gate Road, as requested by the McClellan Development Authority (MDA). Commissioner Downing seconded the motion and all Commissioners voted in favor of the motion. (EASEMENT IN FILE)

Mr. Joiner presented a letter from Ronnie Smith, Chairman of the McClellan Development Authority, recommending termination of an agreement with CDG Engineers and Associates for engineering and design services for the Industrial Access Road project at McClellan. Commissioner Dunn made a motion to adopt a resolution to terminate the agreement as recommended by the MDA and Commissioner Henderson seconded the motion. All Commissioners voted in favor of the motion. (RESOLUTION ATTACHED)

Commissioner Dunn made a motion to adopt a resolution as presented by Mr. Joiner to authorize the Chairman to send a letter to the Chief Justice of the Alabama Supreme Court requesting the expeditious rendering of a decision in the matter of Anniston-Calhoun County Fort McClellan Joint Powers Authority, et al., Appellants v. James Coxswell and Donald Stewart, Appellees. The motion was seconded by Commissioner Downing and the motion carried by a unanimous vote of the Commissioners. (RESOLUTION ATTACHED)

At the direction of County Attorney Tom Sowa, and in accordance with the Alabama Open Meetings Act, Commissioner Dunn made a motion to go into executive session in order to discuss the purchase, sale, exchange, lease, or market value of a real estate offer at McClellan, and to reconvene the regular meeting thereafter. Commissioner Abbott seconded the motion and a roll call vote of the Commissioners was as follows: Commissioner Dunn – yes, Commissioner Downing – yes, Commissioner Henderson – yes, Commissioner Abbott – Yes, and Chairman Hess - yes.

The Commissioners went into executive session at 10:50 a.m. and the regular meeting was reconvened at 11:00 a.m.

Mr. Joiner presented the terms and conditions for a lease to own proposal submitted by A. W. Group LLC, for Building #256 and surrounding land at McClellan. Commissioner Abbott made a motion to accept the terms of the proposal, to direct the MDA staff to work with legal counsel to finalize a contract, and to authorize the Chairman of the Calhoun County Commission to sign a contract once it is finalized. Commissioner Henderson seconded the motion and all Commissioners voted in favor of the motion. (PROPOSAL IN FILE)

County Engineer Charles Markert, who is retiring this month, was commended for his thirteen years of outstanding service to Calhoun County.

A motion was made by Commissioner Downing to adjourn the meeting, followed by a second from Commissioner Henderson. The meeting was adjourned by a unanimous vote of the Commissioners.

The next meeting was announced for Thursday, July 9, 2009, at 10:00 a.m.