

SUMMARY OF MINUTES  
CALHOUN COUNTY COMMISSION  
AUGUST 30, 2007

Chairman Dunn called the regular meeting of the Calhoun County Commission to order on this special date and all Commissioners were present. The Chairman asked that bids be submitted and Commissioner Downing gave an invocation.

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

Commissioner Henderson made a motion to adopt the agenda. Following a second to the motion by Commissioner Hess, all Commissioners voted in favor of adopting the agenda.

A motion was made by Commissioner Abbott, and seconded by Commissioner Hess, to adopt the minutes of the previous meeting. The minutes were adopted by a unanimous vote of the Commissioners.

Commissioner Downing made a motion to award the bid for Janitorial Services for the Calhoun County Courthouse to the low bidder, Rite Way Services, Inc. of Birmingham, for the bid amount of \$3,438.96 per month for a one-year period, with options for extension, commencing upon award of bid, as recommended by the County Administrator. The motion was seconded by Commissioner Henderson and all Commissioners voted in favor of the motion.

The bid for the purchase of new tires for the Calhoun County Highway Department and Sheriff's Office was awarded to the overall low bidder, McGriff Tire Co. Inc., of Oxford, and the State of Alabama Tire Contract – T-Number T106. Commissioner Hess made a motion to award the bid as recommended by the County Engineer and Sheriff, Commissioner Abbott seconded the motion, and the motion carried by a unanimous vote of the Commissioners.

A motion was made by Commissioner Henderson, and seconded by Commissioner Abbott, to award the bid for the purchase of Bituminous Surface Treatment to the only bidder, Charles E. Watts, Inc. of Gadsden, as recommended by the County Engineer. All Commissioners voted in favor of the motion.

Commissioner Hess made a motion to dismiss the nuisance declaration on property of Steve Kiker, Case No. 2324-2007, located at 2074 Mountain View Road, Wellington, as recommended by County Enforcement Officer David Pirritano. Steve Kiker was present and stated the property has been cleaned up as required. Following a second to the motion by Commissioner Henderson, all Commissioners voted in favor of the motion.

Bids were opened by County Administrator Ken Joiner for the purchase of a Ride on Trencher. Commissioner Henderson made a motion to refer the bids received to the Highway Department for review and a recommendation before the end of the meeting. This motion was seconded by Commissioner Hess and the motion carried by a unanimous vote of the Commissioners. Later during the meeting, after reviewing the bids, County Engineer Charles Markert recommended awarding the bid to RSC Equipment Rental, based on the lowest number of hours used, for the

bid amount of \$14,320. Commissioner Hess so moved, Commissioner Abbott seconded the motion, and the motion carried by a unanimous vote of the Commissioners.

A motion was made by Commissioner Hess to continue for sixty days, until November 8, 2007, the nuisance declaration on property of Johnny and Yvette Summers, Case No. 2266-2006, located at 305 Russell Avenue Rear, Anniston, as recommended by Mr. Pirritano. The owners were not present. Following a second to the motion by Commissioner Abbott, all Commissioners voted in favor of the motion.

Commissioner Downing made a motion, which was seconded by Commissioner Abbott, to continue until November 8, 2007, a nuisance declaration on property of Truman G. Ford c/o Cathy Hammond, Case No. 2027-2006, located at 1670 Choccolocco Road, Anniston, as recommended by Mr. Pirritano. Cathy Ford Hammond was present and asked for a sixty-day continuance. All Commissioners voted in favor of the motion.

The nuisance abatement on property of Jenny and Jessica Waldrop, Case No. 2234-2007, located at 0 Willie Street, Anniston, was dismissed, as recommended by Mr. Pirritano. Jessica Waldrop was present and stated the property has been cleaned up as required. Commissioner Abbott made a motion to dismiss, Commissioner Henderson seconded the motion, and a vote of the Commissioners was unanimously in favor of the motion.

A motion was made by Commissioner Hess, and seconded by Commissioner Abbott, to adopt a resolution to abate certain 1987-1999 property taxes and amounts due on certain properties, as requested by Revenue Commissioner Karen Roper. The resolution was adopted by a unanimous vote of the Commissioners. (RESOLUTION ATTACHED)

An agreement with Jacksonville State University for funding in the amount of \$50,000 per year over six years beginning FY2009 was presented by Mr. Joiner. Commissioner Abbott made a motion to authorize the signing of the agreement by all Commissioners. This motion was seconded by Commissioner Downing. The motion carried by a unanimous vote of the Commissioners. (AGREEMENT ATTACHED)

A motion was made by Commissioner Abbott, and seconded by Commissioner Henderson, to adopt a resolution as read by Mr. Joiner to rescind two agreements with Calhoun Development Company, Inc. and John Phillips, Esq. for the lease of property to be used by Cedar Springs Youth Association, Inc. as a ball field and an adjacent parking area. All Commissioners voted to adopt the resolution. (RESOLUTION ATTACHED)

Commissioner Henderson made a motion to ratify the signature of the Chairman dated August 20, 2007, approving CSEPP Budget Amendments in the amounts of \$166,119.10 for FY04 and \$185,579.07 for FY05. Commissioner Hess seconded the motion, and a vote of the Commissioners was unanimously in favor of the motion. (AMENDMENTS IN FILE)

A resolution authorizing the application for a Juvenile Drug Court grant through the Alabama Department of Economic and Community Affairs was presented by County Administrator Ken Joiner. Commissioner Downing made a motion to adopt the resolution as read. Following a

second to the motion by Commissioner Henderson, all Commissioners voted in favor of the motion. (RESOLUTION ATTACHED)

An application for the sale of retail beer, off premises only, in the name of Pamela Lisa Austin, dba Austin's General Store, 5912 AL Highway 202, Anniston, Alabama 36201, was presented by Mr. Joiner. This was the first reading and no further action was taken.

Mr. Joiner presented two applications for the sale of retail table wine and retail beer, off premises only, in the name of Pennymart, LLC, Terry Lee Penny and William Keith Penny dba, located at 10344 Choccolocco Road, Anniston, Alabama 36201, and formerly known as Murray's Grocery. This was the first reading and no further action was taken.

Commissioner Downing made a motion to authorize the Chairman to sign a long-term detention subsidy contract with the Alabama Department of Youth Services, designating Coosa Valley Youth Detention Center to receive the funding. Commissioner Hess seconded the motion and a vote of the Commissioners was unanimously in favor of the motion. (CONTRACT ATTACHED)

County Engineer Charles Markert presented an agreement with Thompson Engineering for a joint project between Calhoun County and the Calhoun County Board of Education to provide for a turn lane at White Plains School. Mr. Markert advised the agreement includes a revised scope of services and fee proposal for survey, geotechnical investigations and recommendations, engineering design and bidding assistance for the White Plains School roadway and improvements to Alabama Highway 9. Commissioner Downing made a motion to authorize the Chairman to sign the agreement, pending review and approval of the County Attorney. Commissioner Henderson seconded the motion, and the motion carried by a unanimous vote of the Commissioners. (AGREEMENT IN FILE)

A motion was made by Commissioner Henderson, and seconded by Commissioner Hess, to adopt a resolution to accept right-of-way on Logging Road, as recommended by the County Engineer. All Commissioners voted in favor of the motion. (RESOLUTION ATTACHED)

County Administrator Ken Joiner advised that acts and/or omissions by The Centech Group, Inc., which is the company Calhoun County contracted with to provide database, portable room air cleaners, shelter-in-place kits, and respiratory protection devices for the purpose of emergency preparedness related to the Chemical Stockpile Emergency Preparedness Program, resulted in a lawsuit being filed against Calhoun County by Clean Air. Mr. Joiner further advised that Centech is obligated, pursuant to its contract with Calhoun County, to indemnify Calhoun County for all of its costs and/or expenses of defending and settling the action by Clean Air, including attorneys' fees, and the amounts paid in settlement or otherwise suffered by Calhoun County to date. Commissioner Henderson made a motion to authorize Bart Harmon, Esq., with Webb & Eley, P.C., to proceed with filing a civil action lawsuit on behalf of Calhoun County against The Centech Group, Inc. Commissioner Downing seconded the motion and a vote of the Commissioners was unanimously in favor of the motion. (CIVIL ACTION COMPLAINT IN FILE)

County Administrator Ken Joiner recommended passage of a bank resolution, which is necessary in order to change the bank signatures due to the chairmanship rotation. Commissioner Abbott so moved, Commissioner Henderson seconded the motion, and the motion carried by a unanimous vote of the Commissioners. Comments and commendations followed from each Commissioner toward outgoing Chairman Dunn and new Chairman Downing. (RESOLUTION ATTACHED)

L. L. Burt, representing Angel's Used Cars, submitted a proposal for the removal of non-operational motor vehicles from properties in Calhoun County. Mr. Burt was advised that bids would be received for this service at the next meeting of the Calhoun County Commission, and he was invited to submit a proposal at that time.

A motion was made by Commissioner Hess to adjourn the meeting. The motion was seconded by Commissioner Downing, and all Commissioners voted in favor of adjourning.

The next meeting was announced for Thursday, September 13, 2007, at 10:00 a.m.