

**MINUTES, LIMESTONE COUNTY COMMISSION, JUNE 2, 2020  
COMMISSION MEETING**

The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

Present: Daryl Sammet, Steve Turner, Jason Black, and Ben Harrison. Absent: None. Collin Daly, Chairman presided.

Charles McDonald, 17531 Oakdale Road, addressed the Commission with concerns regarding when the Recycling Center would be fully operational since COVID-19. He questioned if plastics could be handled even if the Recycling Center is not open because plastics are one of the main issues that is put in landfills that's not going to deteriorate. Chairman Daly said the Recycling Center works state inmates and would talk with Ruby at the center about other options.

The meeting began with the Pledge of Allegiance.

**MOTION** was made by Steve Turner and seconded by Daryl Sammet to approve the minutes of May 18, 2020.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Daryl Sammet, aye; Jason Black, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Daryl Sammet and seconded by Steve Turner to approve the following claims

5/15/2020	Check # 57314 – 57371	\$752,066.25
5/22/2020	Check # 57372 – 57418	<u>\$163,776.33</u>
	TOTAL	\$915,842.58

with detailed claims of the above being on file for review upon request to the County Administrator.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Daryl Sammet, aye; Steve Turner, aye; Jason Black, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Ben Harrison to authorize the Chairman to execute the following Amended Resolution and Amended and Restated Agreement for Greenbrier Parkway Phase IV.

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**STATE OF ALABAMA  
LIMESTONE COUNTY**

**RESOLUTION OF THE LIMESTONE COUNTY COMMISSION**

**WHEREAS**, LIMESTONE COUNTY, by and through the LIMESTONE COUNTY COMMISSION (sometimes referred to as the “County”) and the CITY OF HUNTSVILLE (“Huntsville”) desire to enter that certain Amended and Restated Agreement for Greenbrier Parkway Phase IV Project, Project No. 71-18-RD01 (the “Project”), a copy of which is attached hereto as Exhibit “1”; and

**WHEREAS**, the County and Huntsville previously entered into that certain Agreement for Greenbrier Parkway Phase IV on or around September 12, 2019 (the “Agreement”), pursuant to which the parties approved the acquisition and/or condemnation of certain parcels of land necessary for the development of the Project; and

**WHEREAS**, subsequent to the Agreement, the proposed route for the Project was changed due, in part, to geographic challenges, and Project drawings and construction plans were updated to reflect those changes, and accordingly, the identification and description of the parcels of land to be acquired for the Project have changed; and

**WHEREAS**, the parties desire to amend the Agreement in order to modify the description of the Parcels, to clarify certain terms regarding the joint administration of the Project, and to further amend and restate the Agreement pursuant to those terms contained in the Amended Agreement (the “Amended Agreement”) attached hereto; and

**WHEREAS**, the acquisition of those parcels of land described and depicted in Exhibit “A” attached to the Amended Agreement (collectively, the “Parcels”) is necessary for the development of the Project; and

**WHEREAS**, it is in the opinion of the County that the Project is in the public interest of the citizens of Limestone County, and the same will contribute to the health and general welfare of said citizens; and

**WHEREAS**, upon motion having been made by Commissioner Jason Black, and seconded by Commissioner Ben Harrison, with discussion had thereon and a vote having been taken, upon which vote of 4 in favor and 0 against, the motion carried;

**NOW THEREFORE, BE IT RESOLVED**, by the County Commission of Limestone County, Alabama, as follows:

1. That in the judgment and opinion of the County, the Project is in the best interests of the citizens of Limestone County, and its competition will contribute to the health and general welfare of the citizens of Limestone County.

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2. The County believes that joint cooperation by and between the County and Huntsville in the administration and development of this Project will benefit the citizens of Limestone County and the citizens of the City of Huntsville. Accordingly, the County agrees to cooperate and work with Huntsville in the administration, development, and completion of the Project. The County further accepts and agrees to jointly exercise certain powers and/or to provide certain services in furtherance of the development and completion of the Project as set forth in the Amended Agreement.

3. The staff of the Real Estate Office of the City of Huntsville shall attempt to acquire all Parcels at a fair and reasonable price in accordance with Section 18-1A-22 of the *Code of Alabama*, as amended.

4. The County will acquire by and through Eminent Domain proceedings, if necessary, any Parcel(s) Huntsville is unable to acquire through voluntary purchase.

5. In the event Huntsville is unable to acquire any Parcel(s) by voluntary conveyance from the owners thereof, the County is authorized to engage Samuel H. Givhan, Attorney at Law, with Wilmer & Lee, P.A., to file and conduct condemnation proceedings on the County's behalf in order to acquire any such Parcel(s) by eminent domain proceedings.

6. Upon acquisition of any Parcel(s) by the County through eminent domain proceedings, the County agrees to convey any such Parcel(s) to Huntsville by statutory warranty deed.

7. All attorney's fees, costs, and expenses incurred in connection with any voluntary purchases or any eminent domain proceedings shall be borne by Huntsville. The Project will be funded by Huntsville's capital plan and/or through funding received from the Department of Transportation, and the budget for the Project will be established by Huntsville's Engineering Department.

8. That Collin Daly, as Chairman of the Limestone County Commission, and Pam Ball, as County Administrator, be, and they are hereby authorized, empowered and directed to execute the Amended Agreement on behalf of Limestone County.

DONE this the 2<sup>nd</sup> day of June, 2020.

**LIMESTONE COUNTY COMMISSION**

By: \_\_\_\_\_  
Collin Daly, Chairman

**ATTEST:**

By: \_\_\_\_\_  
Pam Carter, County Administrator

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Exhibit "1"

**AMENDED AND RESTATED AGREEMENT FOR  
GREENBRIER PARKWAY PHASE IV**

THIS AMENDED AND RESTATED AGREEMENT FOR GREENBRIER PARKWAY PHASE IV ("Amended Agreement") is made and entered into by and between LIMESTONE COUNTY ALABAMA, by and through the LIMESTONE COUNTY COMMISSION (hereinafter referred to as the "County") and the CITY OF HUNTSVILLE (hereinafter referred to as "Huntsville").

**WITNESSETH:**

**WHEREAS**, the County and Huntsville entered into that certain Agreement for Greenbrier Parkway Phase IV on or around September 12, 2019 (the "Agreement") regarding the Greenbrier Parkway Phase IV Project, Project No. 71-18-RD01 (the "Project") under which the parties approved the acquisition and/or condemnation of certain parcels of land necessary for the development of the Project;

**WHEREAS**, subsequent to the Agreement, the proposed route for the Project was changed due, in part, to geographic challenges, and the Project drawings and construction plans were updated to reflect those changes. As a result, the identification and description of the parcels of the land to be acquired for the Project have changed; and

**WHEREAS**, the parties desire to amend the Agreement in order to modify the description of those parcels of land necessary for the Project, and to clarify certain terms regarding the joint administration of the Project, and to amend and restate the Agreement in accordance with the terms contained herein.

**NOW THEREFORE**, in consideration of the premises and mutual covenants contained herein, the County and Huntsville hereby agree as follows:

1. The parties agree and acknowledge that the acquisition and/or condemnation of fee simple title to certain parcels of land lying within Limestone County, as may be subsequently altered by any updated Project plan revisions and/or to include the acquisition any uneconomic remnants, if any, is necessary for the development of the Project. Corresponding drawings and legal descriptions for each respective parcel (the "Parcels") is contained in Exhibit "A" attached hereto.

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2. The Project is in the best interests of the citizens of Limestone County and the City of Huntsville in that the same will contribute to the health and general welfare of said citizens.

3. The County and Huntsville believe that joint cooperation in the administration and development of this Project will benefit both the citizens of Limestone County and the citizens of the City of Huntsville. Accordingly, the parties hereby to cooperate and work with one another in the administration, development, and completion of the Project. The County and Huntsville have agreed to divide and allocate certain Project duties among themselves in order to more effectively and efficiently complete the Project. The parties further accept and agree to exercise certain powers and/or to provide certain services in accordance with the terms and provisions set forth herein.

4. That City of Huntsville, by and through its Real Estate Department, be, and hereby is authorized, empowered, and directed to attempt to acquire the Parcels from the respective owner(s) thereof by voluntary sale, at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. The parties hereby agree that the County will acquire, at the expense of Huntsville, through eminent domain proceedings, where necessary, any of the Parcel(s) which Huntsville is unable to purchase through voluntary purchase.

6. That in the event Huntsville is unable to acquire any of the said Parcels, for the purposes aforesaid, through voluntary conveyance from the respective owner(s) thereof, the City of Huntsville is hereby authorized to engage the law firm of Wilmer & Lee, P.A., by and through its attorney Samuel H. Givhan, to file and conduct condemnation proceedings on behalf of the County for the acquisition of said Parcel(s) by the process of eminent domain. Any Parcel that presents a conflict of interest for the aforementioned counsel shall be reassigned by the City Attorney for Huntsville with the consent, which shall not be unreasonably withheld, of the Limestone County Commission.

7. That upon acquisition of any such Parcel(s) by the County through eminent domain proceedings, the County agrees to promptly convey said Parcel(s) to the City of Huntsville by statutory warranty deed.

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8. The County and Huntsville shall each have the fully power and authority of the other party in order to carry out the purposes of this Amended Agreement, but only to the extent necessary to carry out the development of the Project.

9. That all attorney's fees, costs, and expenses in connection with any voluntary sales transactions or any eminent domain actions shall be paid by Huntsville. Funding for the Project shall be paid through Huntsville's capital plan and/or funding from the Department of Transportation, if any. The budget for the Project shall be established by Huntsville's Engineering Department.

10. This Amended Agreement shall automatically terminate upon the earlier to occur of the following: acquisition of all Parcels necessary for the Project, or three years from the date hereof, whichever shall occur first.

11. This Amended Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on this 2<sup>nd</sup> day of June, 2020.

CITY OF HUNTSVILLE

By: \_\_\_\_\_  
Tommy Battle, Mayor

Attested to:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kenneth Benion, Clerk Treasurer

LIMESTONE COUNTY COMMISSION

By: \_\_\_\_\_  
Collin Daly, Chairman

Attested to:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Pam Carter, County Administrator

EXHIBIT "A"  
CONSISTING OF ALL OR PORTIONS OF  
TRACTS 1, 2, 3, 4, 5, 6, 7, 8, and 11  
GREENBRIER PARKWAY PHASE IV

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The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Ben Harrison, aye; Daryl Sammet, aye; and Steve Turner, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to approve the following amended guidelines for accepting credit cards as a form of payment at the License Commission.

**LIMESTONE COUNTY COMMISSION  
Guidelines for Accepting Credit Cards as a Form of Payment**

1. Limestone County will pay no fee in connection with the processing of credit cards.
2. Each office within the County may elect whether or not to accept credit card payments in its office or agency, and may establish its own rules for acceptance of any credit card permitted within the county pursuant to an agreement executed under Section 11-103-2, Code of Alabama, 1975.
3. If a department chooses to accept credit cards, it must be able to comply with all credit card rules and regulations as well as the terms specified in Limestone County's contract(s) and service agreements with its vendors.
4. If an office or agency within the county desires to accept a credit card processed by a company with which the county does not have an agreement, the office or agency may petition the county to execute an agreement with the credit card processor.
5. Any use of Limestone County's network resources must be approved by its IT Department.
6. No agreement may provide for the receipt of payments at a discount from the amount that would be owed were credit cards not accepted for the payment or withholding of administrative fees from the actual amount of the payments.
7. Any agreement shall provide that it may be canceled without penalty any time by the County Commission upon reasonable notice.

Approved: 21<sup>st</sup> day of August 2006

Amended: 2<sup>nd</sup> day of June 2020

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Jason Black, aye; Daryl Sammet, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Steve Turner to approve a request from Dr. Robert Pitman to increase the Animal Control Services Contract by \$154,864.00 per year.

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The Chairman asked if there was any discussion. Commissioner Black said Dr. Pitman previously brought the figures to us and explained that Decatur, Huntsville, Florence were \$198 and he's asking for \$196 per animal. Whether this passes or doesn't pass, I think we need to do the audit Commissioner Harrison spoke about in the work session. I think this is something we need to look into because we're doing this for everybody in the community; those that have animals and those that don't have animals. Dr. Pitman presented some pictures before the meeting where two young girls had been attacked by dogs. He must hold the dogs and it's a long drawn out process. I just want to make sure that we're protecting our people and doing what we're supposed to be doing if we're following the state, so I made the motion to do this, y'all can take it up if you want to. I just thought we need to be able to at least discuss it. Chairman Daly said, I just want to make sure it's the right thing to do. I don't get to vote unless there is a tie. If there's a tie, I will voice my opinion then.

Commissioner Harrison reiterated that Dr. Pitman is in mid-contract of a three-year contract where he gets an eight and a half percent increase per year. Since 2008 the contract has quadrupled the cost while the animal count has gone down. There's a question on some of the statements he made in his presentation about not taking a salary. Well, it's not an official salary, but he's getting remunerated through the spay and neuters; which is the biggest item on the profit and loss statement. He's saying that he's losing \$25,000 per month and he didn't seem to know where the loss was coming from. I have a hard time believing that a person is losing \$25,000 per month and doesn't know where it's coming from. The bottom line is we have a contract. We shouldn't do anything before we do an audit. If we do an audit and the costs are that real, then we need to look at ways of reducing that cost and making the decision here pretty quick of whether or not we need to build a facility and hire a guy from Auburn and pay him 80 grand to run the facility. There are other options. If we do this, it will be five multiple times of what we have been paying, with a lower animal count. We're under contract with him and we're obligated for that amount. He's asking for an additional \$12,000 per month that is not budgeted and that ought to be the end of the discussion. I don't know what caused the increase in just an 18-month span of time between when he negotiated that three-year, eight percent; which is the first time we've ever done that. Commissioner Turner said, he gave us options, at least one on how to lower the cost, and that was to revert to raising the euthanasia rate. Chairman Daly referenced that Dr. Pitman said that would be until the money ran out, that would give us another week or two to think about it. Commissioner Turner said he heard him say that he would put that as a commission directive to euthanize more animals. I'm not going to sit up here and vote to euthanize more animals or throw them in the dumpster. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Daryl Sammet, aye; and Ben Harrison, nay. Motion carries.

**MOTION** was made by Jason Black and seconded by Daryl Sammet to award the following bid proposal to the lowest responsible bidder meeting specifications as follows:

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Proposal No.	Item	Awarded to	Amount
2730	Scrub Seal (County Commission)	Ergon Asphalt & Emulsions, Inc.  Pricing is tied to the May 2020 ALDOT Index, adjusted monthly based on any changes in the Index. Demurrage: 4 hours free; \$60 per hour thereafter. Pump Charge: \$75-if needed Federal Environmental Fee: \$0.0015/gallon.	Delivered: CF-1h Emulsion - \$1.99 gallon CMS-1pf Emulsion - \$2.15 gallon CMS-1pc Emulsion - \$3.05 gallon  Picked Up at Plant: CF-1h Emulsion - \$1.87 gallon CMS-1pf Emulsion - \$1.90 gallon CMS-1pc Emulsion - \$2.87 gallon

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Daryl Sammet, aye; Steve Turner, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to hire Susan Hudson as Office Assistant for Council on Aging.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Jason Black, aye; Daryl Sammet, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Steve Turner to hire Joshua Gentry as a Deputy, pending drug screening.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Daryl Sammet, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Steve Turner and seconded by Jason Black to approve to transfer Justin Brown and Bill Boldin from the Engineering Department to District 2.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Steve Turner, aye; Jason Black, aye; Daryl Sammet, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by Jason Black and seconded by Steve Turner to approve the following merit increase, which is included in the base pay and cost of living pay as listed below.

Name	Position	Effective Date
Whitney Aldridge	Recording Clerk	6/25/20

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The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Jason Black, aye; Steve Turner, aye; Daryl Sammet, aye; and Ben Harrison, aye. Motion carries unanimously.

**MOTION** was made by was made Daryl Sammet and seconded by Ben Harrison to approve the following subdivision:

Name	S/D Type	Approval Type	Lots	District	Location
Walkers Enchanted Forest replat Lots 64 & 65	Minor	Preliminary & Final	1	1	23314 Christie Drive

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Daryl Sammet, aye; Ben Harrison, aye; Steve Turner, aye; and Jason Black, aye. Motion carries unanimously.

**MOTION** was made by was made Ben Harrison and seconded by Jason Black to approve to sell the following on GovDeals:

Department	Item	Inventory #	Serial #
District 4	2006 Tractor JD7220 with Brush Cutter	4375-417	RW72200R045284

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Ben Harrison, aye; Jason Black, aye; Daryl Sammet, aye; and Steve Turner, aye. Motion carries unanimously.

**MOTION** was made by was made Ben Harrison and seconded by Jason Black to approve to open a Public Hearing to receive comments relative to the proposed action to consider a petition to change the name of a portion of Red Hill Hollow Road to Abigail Lane.

The Chairman asked if there was any discussion. There was no discussion. The Administrator called the roll. Ben Harrison, aye; Jason Black, aye; Daryl Sammet, aye; and Steve Turner, aye. Motion carries unanimously.

Chairman Daly turned the floor over to County Engineer Marc Massey. Marc said, "There's an intersecting road at Red Hill Hollow Road. It's kind of a Y that splits the properties. Up to this point, there hasn't been anybody needing an address on that little stub of road. Now, there is a new home being built and they need an address and 911 can't address that as Red Hill Hollow Road. It has been requested that the section of road be rename Abigail Lane. Based on the outcome of the public hearing, I can

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present a Resolution to change the name at the next commission meeting for your consideration.”

There was no one present to speak in opposition.

Commissioner Black said, “For about two months before I had surgery, I was in and out of the office. I was in miserable pain. My guys have picked everything up that was laid down and they’ve done a fantastic job in my absence. Today is my first day back in a very long time and I feel great. I appreciate all the payers, cards, contacts and phone calls. When you go through something like this, it’s not fun and it is really good when you have friends that will pick up the pieces when they start falling apart and they fall apart really, really quickly.”

Commissioner Harrison reported his district has completed turn lanes on Gracie Lane and eventually the paving crew would be out. They’ve also finished clipping the shoulders and prep work on Easterferry Road for the paving crew. He said, “We use the same inmates, from the same source, for the litter crew that Recycling uses and we’ve unable to get those. Litter is really building up in the districts. We need to get out here and be able to pick up the litter. What I would ask, is the public to do, if they would pick up the litter around their property and on the right-of-way. Litter is a personal responsibility issue and we have kind of the same thing in terms of pets. Nobody wants to go to constituents and say you need to more responsible; you need to take care of your animals; you need to get them spayed and neutered, and that’s your responsibility. In terms of litter, I would ask if the public could just help us a little bit because it’s going to be a long time before we can work through all the routes to pick up all the litter and every little bit helps; many hands make light work.”

Chairman Daly said, “I normally don’t voice my opinion on much, but I’m going to. I don’t get to vote unless there is a tie. On the dog pound issue, I’m not saying that Dr. Pitman may not need an increase. The problem I have right now with us voting on it today is that we’re already thirty-one thousand dollars less this month than we were this time last year on our gas tax revenues, our revenues are down. We’ve got to have a revenue stream for this. Where we’re going to get the money is a big issue. I mean somebody’s going to lose out somewhere. If I would have had a chance to vote on it, I wouldn’t be for it. I had done all my homework. I’ve been touring shelters. We’ve got 16 months left on the contract. I’m going to research it hard and maybe in sixteen months we can get the cost down to where we can afford.”

Adjourned at 10:27 a.m. until 9:00 a.m. on Monday, June 15, 2020, Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.