

**MADISON COUNTY BOARD OF COMMISSIONERS
MINUTES
REGULAR BUSINESS MEETING
MAY 4, 2015
6:30 P.M.**

MEMBERS PRESENT:

Commission Chairman Anthony Dove
District 1 Commissioner Stanley Thomas
District 2 Commissioner Dewitt Bond
District 3 Commissioner Mike Youngblood
District 4 Commissioner John Pethel, Sr.
District 5 Commissioner Jim R. Escoe, Sr.

MEMBERS ABSENT:

None

MEDIA PRESENT:

Zach Mitcham, Madison County Journal

STAFF PRESENT:

Rhonda S. Wooten, County Clerk
Jackie Kesler, Deputy Clerk
Mike Pruett, County Attorney

Chairman Dove called the meeting to order at 6:30 pm, led in the pledge to the American Flag and gave the invocation.

Item No. 1. Approval of Minutes:

Minutes of Agenda Setting Meeting of April 27, 2015. Minutes have been distributed.

On motion by Commissioner Bond and second by Commissioner Thomas the Board approved the minutes of the April 27, 2015 Agenda Setting Meeting. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 2. Business Involving Guests, Groups or Multiple Visitors.

Madison County Library Branch Manager, Kim James, gave a quarterly report of library services for January 1, 2015 through March 31, 2015. Ms. James also requested the Board's consideration of the appointments of Harry Rice and Audrey Spivey to the serve on the Library Board and the reappointment of Victor Johnson.

On motion by Commissioner Bond and second by Commissioner Youngblood the Board voted to approve the appointments of Harry Rice and Audrey Spivey and the reappointment of Victor Johnson to the Library Board. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 3. Chairman's Report.

Chairman Dove stated that the Facilities Use Agreement with Madison County Little League is up for renewal.

On motion by Commissioner Youngblood and second by Commissioner Thomas the Board voted to allow Chairman Dove to sign the 2015 Facilities Use Agreement with Madison County Little League. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

**Item No. 4. Hearings and Actions on Rezone Matters, Special Use Permits, Etc.
(Linda Fortson and Wayne Douglas)**

1. Bill and Margie Usry are requesting to rezone 2.5 ac. with an existing mobile home from their 29.1 ac. farm from A1 to RR. The property is located at 2489 Hwy 72 E Comer on Map 98 Parcel 81 in District 4.

Chairman Douglas stated that this request has been postponed.

2. Pine Hill Farm LLC, David Whitehead, is requesting to rezone his 159.22 ac. parcel from A2 to A1 for chicken houses. The property is located at 1459 Johnny McElroy Rd. on Map 56 Parcel 75 in District 5.

Chairman Douglas explained the rezone request and stated that the Planning and Zoning Board voted six (6) to zero (0) to approve.

Chairman Dove asked if anyone would like to come forward to speak in favor of the request. Applicant David Whitehead spoke in favor of the request.

Chairman Dove asked if anyone would like to come forward to speak in opposition of the request. No one came forward.

Chairman Dove asked if anyone would like to come forward to speak in favor of the request. No one came forward.

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to approve the rezone request. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

3. Gloria Andrews is requesting to rezone her 4.25 ac. property located in Oak Bend Subdivision from R1 to RR. This would allow her to keep her goats. The property is located at 227 Musket Ridge Rd. on Map 47 Parcel 95 in District 3.

Chairman Douglas explained the rezone request and stated that the Planning and Zoning Board voted six (6) to zero (0) to deny with a 90 day grace period.

Chairman Dove asked if anyone would like to come forward to speak in favor of the request. Applicant Gloria Andrews and neighbors Anne Hurst Weeks, Carol Roach, Julie Adams and James Adams came forward and spoke in favor of the request.

Chairman Dove asked if anyone would like to come forward to speak in opposition of the request. Neighbors Jeep Gaskin, Molly Efland, Darrel Whitehead and Pat Jolly came forward and spoke in opposition of the request.

Chairman Dove asked if anyone would like to come forward to speak in favor of the request. Applicant Gloria Andrews came forward and spoke in favor of the request.

Chairman Douglas stated that the Planning and Zoning Commission is looking at zoning amendments to allow for farm animals in different zones.

Commissioner Bond made a motion to postpone voting on the rezone request until the August Regular Business Meeting. Commissioner Escoe seconded the motion.

After discussion, Commissioner Youngblood made a substitute motion to deny the rezone request. Commissioner Pethel seconded the motion.

Planning and Zoning Board member Todd Higdon addressed the Board and stated that Ms. Andrews can withdraw her rezone application before the Board of Commissioners' vote and receive a refund.

Ms. Andrews stated that she withdrew her rezone application.

4. Burdette Realty is representing property owner Karen Langley. She is requesting to rezone her 8.22 ac. property from A2 to I. The property is located on Hwy 29 N on Map 51 Parcel 45 in District 4.

Chairman Douglas explained the rezone request and stated that the Planning and Zoning Board voted four (4) to two (2) to approve.

Chairman Dove asked if anyone would like to come forward to speak in favor of the request. Gerry Burdette with Burdette Realty, representing the owner Karen Langley, spoke in favor of the request.

Chairman Dove asked if anyone would like to come forward to speak in opposition of the request. Fred Hall, John Scarborough, Lynn Dills, Elaine Brown, John Gordon and Hoke Strickland spoke in opposition of the request.

Chairman Dove asked if anyone would like to speak in favor of the request. Gerry Burdette, Deborah Burdette and Shirley Lightner with Burdette Realty spoke in favor of the request.

After considerable discussion between the Board and County Attorney Mike Pruett regarding traffic concerns and definitions of junkyard and garage, on motion by Commissioner Pethel and second by Commissioner Bond the Board voted to deny the rezone request. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

5. Chairman, Wayne Douglas with zoning amendments.

Chairman Douglas explained the first zoning amendment resolution regarding non-conforming structures and non-conforming use and stated that the Planning and Zoning Board voted six (6) to zero (0) to approve.

Chairman Dove asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Dove asked if anyone would like to speak in opposition of the request.
No one came forward.

Chairman Dove asked if anyone would like to speak in favor of the request.
No one came forward.

On motion by Commissioner Thomas and second by Commissioner Bond the Board voted to approve the zoning amendment. The vote was as follows: Commissioners Thomas, Bond, Youngblood and Pethel voted YES. Commissioner Escoe abstained.

Chairman Douglas explained the second zoning amendment resolution regarding home occupations and stated that the Planning and Zoning Board voted six (6) to zero (0) to approve.

Chairman Dove asked if anyone would like to speak in favor of the request.
No one came forward.

Chairman Dove asked if anyone would like to speak in opposition of the request.
No one came forward.

Chairman Dove asked if anyone would like to speak in favor of the request.
No one came forward.

After discussion, on motion by Commissioner Thomas and second by Commissioner Pethel the Board voted to have the zoning amendment returned to the Planning and Zoning Board for the county attorney to review and revise wording for better clarification. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 5. Statements and Remarks from Citizens on agenda items.

Chairman Dove asked if there were any statements or remarks on an agenda item. No one came forward.

OLD BUSINESS:

None

NEW BUSINESS:

Item No. 6. Consider appointment of Harry Rice to the Library Board. (Kim James)

This item agenda item was handled during agenda item number two.

Item No. 7. Consider jail addition. (Sheriff Thomas)

Sheriff Thomas and New South Construction Senior Project Manager Steve Langdon addressed the Board regarding the consideration of the jail addition. Sheriff Thomas stated that they could go with two additional detention officers, rather than the four previously requested, for a reduction of \$70,000 in the proposed operating expenses for the jail addition. There was considerable discussion regarding the inmate population and operating expenses. Mr. Langdon advised the Board that the bid prices would not hold up after this month.

Commissioner Youngblood made a motion to approve the jail addition. Commissioner Pethel seconded the motion.

After further discussion between the Board, Sheriff Thomas, Steve Langdon and Mayor Todd Higdon, on substitute motion by Commissioner Thomas and second by Commissioner Escoe the Board voted to postpone this decision until December to review the status of the Sheriff's existing budget. The vote was as follows: Commissioners Thomas, Bond, Pethel and Escoe voted YES. Commissioner Youngblood voted NO.

Commissioner Pethel withdrew his second on the first motion made by Commissioner Youngblood. Motion failed for a lack of second.

Item No. 8. Consider 2015 Health Insurance policy. (Chairman Dove)

MSI Benefits agent Matt Bidwell addressed the Board regarding quotes received from healthcare providers for health and dental insurance. Mr. Bidwell explained the differences in the coverage and premiums for each quote.

On motion by Commissioner Escoe and second by Commissioner Bond the Board voted to approve CIGNA as the carrier for health insurance coverage, with employee's premiums paid 100% by county, for a total annual premium of \$1,245,617.00. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

On motion by Commissioner Thomas and second by Commissioner Escoe the Board voted to approve Blue Cross Blue Shield as the carrier for dental insurance coverage, with premiums paid 100% by employees choosing coverage. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 9. Consider hiring Thomas Wilson, Crystal Jones and James Drake to add to Courthouse Security Call-in list. (Chairman Dove)

On motion by Commissioner Bond and second by Commissioner Pethel the Board voted to approve the hiring of Thomas Wilson, Crystal Jones and James Drake to add to the Courthouse Security Call-in list. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 10. Consider 35 MPH Speed Limit on Fairplay Church Road. (Stanley Thomas)

Commissioner Thomas informed the Board that residents on Fairplay Church Road requested that the speed limit be set at 45 MPH rather than 35 MPH. Public Works and Road Superintendent Alan Lapczynski looked at the road and agreed with the request.

On motion by Commissioner Thomas and second by Commissioner Pethel the Board voted to set a speed limit of 45 MPH for Fairplay Church Road and place speed limit signs at both ends of the road. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 11. Discuss the bids received by the City of Colbert for paving Second Avenue. (Jim Escoe)

Commissioner Escoe informed the Board that the City of Colbert accepted bids for the paving of Second Avenue and awarded the contract to Garrett Paving.

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to accept the city's bid recommendation and to pay the city for the county's part of the work. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 12. Discuss ordinance and application for a Utility Facility Encroachment Permit. (Chairman Dove)

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to approved the revised Utility Facility Encroachment Permit application. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 13. Consider Utility Facility Encroachment for a water line on Manley Martin Road. (Chairman Dove)

On motion by Commissioner Escoe and second by Commissioner Pethel the Board voted to approve an application for a Utility Facility Encroachment Permit for a water line on Manley Martin Road. The vote was as follows: Commissioners Thomas, Bond, Youngblood, Pethel and Escoe voted YES.

Item No. 14. Roads Update

Commissioner Thomas requested that Fairplay Church Road and Beck Road be checked for potholes and to check the turn off at Highway 106 and Sanford Road.

Commissioner Escoe requested that side arming and potholes be taken care of on Freeman Circle.

Item No. 15. Urgent Matters

There were no urgent matters.

Item No. 16. Statements and Remarks from Citizens.

Chairman Dove asked if there were any statements or remarks. Deborah Burdette came forward asking for clarification on whether a specific business location is grandfathered in according to the Planning and Zoning ordinance. County Attorney Mike Pruett said that the Planning and Zoning Department should provide her with clarification rather than the Board of Commissioners.

Item No. 17. Executive Session to discuss land acquisition, personnel matters and/or potential litigation (if needed)

There was no need for executive session.

Item No. 18. Adjourn

On motion by Commissioner Pethel and second by Commissioner Bond the Board unanimously agreed to adjourn at 10:51 pm.