

CULLMAN COUNTY COMMISSION MEETING
August 19, 2010

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:02 a.m. and welcomed the visitors.

CALL OF ROLL TO ESTABLISH QUORUM, INVOCATION AND PLEDGE OF ALLEGIANCE

Charlotte Slatton, County Clerk, called the roll; present were Chairman James Graves, Commissioner Doug Williams, Commissioner Wayne Willingham, and County Attorney Dan Willingham. The invocation was given by Dan Willingham. Revenue Commissioner Barry Willingham led the Pledge of Allegiance.

APPROVE MINUTES OF THE AUGUST 10, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Williams made the motion to approve the August 10, 2010 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Willingham seconded the motion, and upon a voice vote, the motion carried unanimously.

PUBLIC COMMENTS

Chairman Graves informed the audience that George Mann, a frequent visitor to the Commission Meetings, was taken to the hospital this morning in serious condition.

Johnnie Wood addressed the Commission concerning the request in the previous Commission Meeting for \$50,000 from the tourism fund be appropriated for the development for the Veteran's Memorial Park. Chairman Graves stated the request would be considered with other budget request for the next fiscal year.

Herman Nail, Mayor of Holly Pond, presented a letter to the Commissioners concerning the elevated disinfection byproducts level of water in the Holly Pond area. He requested the Commission take another look at the development of a test well in Blount County.

Kenneth Kilgo, Mayor of West Point, stated earlier this year the County's Industrial Development Board was changed to the Industrial Development Authority. He would like for the Commission to better define the parameters of the Authority. Commissioner Williams stated the new charter does set parameters and suggested Mr. Kilgo get with Sammie Danford at the Economic Development Office to review the new charter which gives expanded powers to the Authority to help communities.

Jim Sandlin, a resident of County Road 1225, asked Commissioner Willingham what is the criteria for having a road repaired as he has requested for several years that County Road 1225 be resurfaced. Commissioner Willingham stated roads are maintained with primary service roads receiving priority, then secondary roadways and lastly dead end roads. Mr. Sandlin requested that the road be asphalted.

NEW BUSINESS

Authorize the Chairman to sign the FY-2011 Title III Aging Contract with NARCOG

Chairman Graves stated this is the annual contract with NARCOG which is necessary for the County to continue to receive federal funding. Commissioner Williams made a motion to authorize the Chairman to sign the FY-2011 Title III Aging Contract with NARCOG. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Authorize the Chairman to sign the FY-2011 SenioRx Contract with NARCOG

Chairman Graves commended Randall Shedd for the excellent job he does providing services under the senior prescription drug program. Of the three counties in NARCOG, Morgan, Lawrence and Cullman, Cullman exceeds the others in the number of individuals they assist. Commissioner Williams made a motion to authorize the Chairman to sign the FY-2011 SenioRx contract with NARCOG. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

Authorize Chairman and EMA Director to sign an agreement with the Marshall County EMA for the transfer of a medium duty trailer to haul the Kubota ATV transferred under a previous agreement (12/2009)

Phyllis Little, EMA Director, stated the trailer is for the off road ambulance the County received through the Region VI Homeland Security Grant last year. CEMS is in possession to the trailer and this is the paperwork for the official transfer. Commissioner Williams made a motion to authorize the Chairman and EMA Director to sign the agreement with Marshall County EMA for the transfer of the trailer. Commissioner Willingham seconded and the motion carried on a unanimous voice vote.

Consider a donation of \$1,000.00 to the Kelley Community Center

Chairman Graves stated the Kelley Community Center is a voting place and they have requested funds for maintenance. Commissioner Williams made a motion to donate \$1,000 to the community center. Commissioner Willingham seconded. Upon a unanimous voice vote the motion passed.

Resolution 2010-61 - Set speed limit on County Road 937 at 20 MPH

Resolution 2010-62 - Set speed limit on County Road 938 at 20 MPH

Fred Penn, County Engineer, stated in the previous commission meeting the speed limit on County Road 935 and 936 were set at 20 MPH. County Road 937 and 938 are in the same area and it will be cost effective to post all roads at the same time and recommended setting the speed limit at 20 MPH. Commissioner Willingham made a motion to set the speed limit on County Road 937 and 938 at 20 MPH. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

Resolution 2010-63 - Set speed limit on a portion of County Road 1635 at 35 MPH

Mr. Penn stated the portion of County Road 1635 from AL Hwy 69 to County Road 1518 has recently been chip sealed. As a result driver now think it is a "raceway" and the Sheriff's Department has requested a speed limit be posted. He recommended setting the speed limit at 35 MPH. Commissioner Williams made a motion to set the speed limit at 35 MPH on the portion of County Road 1635. Commissioner Willingham seconded and the motion passed on a unanimous voice vote.

Discussion of the Safety Department

Commissioner Willingham stated he had requested the discussion of the safety department be put on the agenda. "It keeps coming up, just from every angle, issues with our safety director and, uh, this just ain't started yesterday or last night. It's been going on for the last 18 months and at this time I'm gonna make a motion we release the safety director of his duties, fire him from county employment." (There was no second to the motion)

Chairman Graves stated the item was listed as a discussion item only, so no action can be taken at the meeting. It could be placed on the agenda at the next meeting. The Chairman stated he did not know where Commissioner Willingham was getting his information, but Meadowbrook the County's state insurer and Smith & Gray our local agent have both been

complementary of Gordon Dunagan. He has kept the accident rate down.

Commissioner Willingham stated, "We used to get awards and we ain't had none in the last two years and there are lots of intimidation...uh... he's not performing his duties. I'm gettin' complaints about where he's coming in and intimidating employee...uh...some of it's going on about these EEO lawsuits that's going on."

Chairman Graves stated he had not heard this and there is nothing in his employee records of a detrimental nature. As far as he is concerned Mr. Dunagan is doing a fine job. The Chairman asked the County Attorney if the County's personnel handbook required justification for firing.

Attorney Willingham stated Mr. Dunagan is an exempt employee. Any department head can be terminated without cause. However, he would also have retreat rights since he was a county employee prior to his position in the safety department. According to the current rules he would retreat back into the system and it would be a mandate retreat; a job must be found for him.

The Chairman continued this was on the agenda for discussion only; a vote would require all to agree to change the agenda and he was not agreeing until he has an opportunity to hear more about the justification for terminating Mr. Dunagan.

Attorney Willingham stated in the history of the Commission items that were listed for discussion have had motions made. Chairman Grave reiterated the current policy and procedures state items can not be added to the agenda unless they are agreed to by all commissioners and he objects to this being added until it is discussed. He requested the County Clerk to add it to the agenda for the next meeting.

Attorney Willingham stated current policy does state an item cannot be added without the consent of all members however he is not sure if it is listed as a discussion item only it would not be subject to a motion. He stated he hates to be "wishy-washy" but the rules do not address that specifically.

Chairman Graves stated he controls the agenda and he will not put it there until the next commission meeting after they will have had time to discuss it and look at the matter

Commissioner Willingham stated, "I have a motion on the floor."

Chairman Graves stated, "I do not honor that motion, it is not legitimate."

Commissioner Williams stated, "I want to ask a question for clarification on my part. I don't want to violate the rules of procedure; I want to adhere to those like we are supposed to. My question, for clarification, is Mr. Chairman; are you saying you will unanimously put it on the agenda for next time?"

Chairman Graves stated "I think I have to."

Commissioner Williams, "That's what I want to make sure. I don't want it to be..... if this is a motion Commissioner Willingham wants on the agenda, I don't want it to be blocked if I am going to agree with saying let's wait till the next commission meeting."

Chairman Graves stated "Our procedures say if we can not agree today to put it on the agenda, it will go on the next agenda. Which it will be."

Attorney Willingham stated, "I think what Commissioner Williams is saying as opposed to being on there as a discussion item it will be on there as a resolution item. If it comes back up, it gives you time to discuss it and consider it."

Commissioner Williams stated that clarified the issue for him

OLD BUSINESS

Consider final plat and acceptance of County Roads 379 and 303 for Waterbound Subdivision, Phase II located off County Road 351 in District 2

Keith Creel, Assistant Engineer, stated the subdivision meets the County's regulations. It had received preliminary approval before our new regulation took effect; therefore the roads are eligible for acceptance at the time of the final plat with the developer being responsible for the maintenance for one year. Commissioner Willingham made a motion to accept County Road 379 and 303 into to County's maintenance system. Commissioner Williams seconded and the motion passed on a unanimous voice vote.

The next NARCOG meeting will be September 29, 2010 at the Decatur office of NARCOG.

NEXT REGULAR COMMISSION MEETING TUESDAY, SEPTEMBER 14, 2010

Chairman Graves announced the next commission meeting will be, Tuesday, September 14, 2010, at 10:00 a.m. in the Commission Office Conference Room.

ADJOURN THE MEETING

Commissioner Willingham made a motion to adjourn the meeting. Commissioner Williams seconded. Chairman Graves adjourned the meeting at 10:25 a.m.

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner