

**CULLMAN COUNTY COMMISSION MEETING**  
**July 9, 2013**

**CALL TO ORDER AND WELCOME**

Chairman Kenneth Walker called the Commission Meeting to order at 10:01 a.m. and welcomed the visitors.

**CALL OF ROLL TO ESTABLISH QUORUM**

The County Clerk called the roll; present were Chairman Kenneth Walker, Commissioner Darrell Hicks, Commissioner Stanley Yarbrough and County Attorney Heath Meherg. The invocation was given by Doug Davenport. Barry Willingham led the Pledge of Allegiance.

**APPROVE MINUTES OF THE JUNE 25, 2013 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Hicks made the motion to approve the minutes from the June 25, 2013 Commission Meeting; approve appropriations, expenditures, requisitions and all journal entries to be posted. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**APPROVE MINUTES OF THE JULY 3, 2013 SPECIAL CALLED COUNTY COMMISSION MEETING**

Commissioner Yarbrough made a motion to approve the minutes of the July 3, 2013 Special Called Commission Meeting. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**PUBLIC COMMENTS**

**Chairman Walker** welcomed Cory Drummond to the meeting. Mr. Drummond, a history teacher at Vinemont Middle School, is participating in the CAWS, Cullman Area Workforce Solutions, summer program. Sponsored by Wallace State Community College, the program gives 20 area teachers the opportunity to job shadow for a week in local businesses and industries and take their experiences back to the classroom.

**NEW BUSINESS**

**Public Hearing Regarding Community Development and Housing Needs, the Community Development Block Grant (CDBG) Program, and the Application Process**

The public hearing was opened with Terry Acuff from Community Consultants, Inc. explaining the purpose of the public hearing is part of the application process for the grant. ADECA has received a special allocation through Housing and Urban Development (HUD) for funding of the CDBG program for recovery of areas affected by the 2011 tornadoes. ADECA will receive \$49,157,000 to be used in the State with \$25,211,400 in distributions going to the most affected counties, Cullman, Dekalb, Franklin, Jefferson, Marion and Tuscaloosa. There is no set formula as to the distribution of funds.

Project funding is based on a) urgent need such as health and safety b) slum removal or c) to benefit low to moderate income residents where 51% of the residents fall into this area. The County is targeting areas where roads were affected by the April 2011 storm. Currently the County Economic Development Office is doing door-to-door surveys of potential areas that may qualify in the low to moderate income level.

Cherrie Haney, Interim Director of Economic Development, stated the survey process has been a joint effort of several departments in the county. Without the cooperative effort of the Revenue Department, Water Department, Engineering and Economic Development the potential of obtaining the funding would have been impossible. She thanked everyone for their work on this project which has been done within a short timeline.

There were no other public comments. Commissioner Yarbrough made a motion to close the public hearing portion of the meeting. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**Resolution 2013-42 – Apply for 2011 Supplemental Disaster Recovery Funds**

Attorney Meherg explained the resolution authorizes the CDBG application for the supplemental disaster funding discussed during the public hearing portion of the meeting. Commissioner Hicks made a motion to approve the resolution. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Resolution 2013-43 – Authorize Application for Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant**

Matt Kinsland from the Economic Development Office explained the Sheriff's Department wants to purchase a trailer to be used for transporting rescue equipment as well as supply electrical power outlets, fresh water supply, outdoor shower facility and an awning. They also want to purchase a twelve foot inflatable boat which will be used on small waterways such as inlets on Smith Lake. The total cost of the equipment is \$11,414. The grant would cover \$10,255 of the cost. The Sheriff will use discretionary funds for the difference in cost. Commissioner Yarbrough made a motion to authorize the application for the DOJ Edward Byrne Memorial Justice Assistance Grant. Commissioner Hicks seconded the motion. Upon a unanimous voice vote, the motion carried.

**Confirm tax abatement by the Town of Holly Pond for Holly Industrial, LLC, for purchase and modification of vacant building to house new manufacturing operation, in the amount of \$1,700,000**

Attorney Meherg explained the Town of Holly Pond has already approved the abatement and the Commission is confirming. The abatement is for Holly Industrial, LLC which is a part of HessAire Products, Inc. Holly Industrial, LLC has purchased the old Wrangler Building in Holly Pond to expand the HessAire operation for fan assembly. This will create 40 new jobs with the possibility of additional expansion in the future. The \$1,700,000 abatement is for the purchase and modification of the building. Commissioner Hicks made a motion to confirm the abatement for Holly Industrial, LLC. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Authorize a letter to be sent to the Department of Justice (DOJ) for the appointment of the County Superintendent of Education**

Attorney Meherg explained the State Legislature passed a bill in the last session changing the County Superintendent of Education from an elected position to a position appointed by the school board. Since then the Federal Supreme Court has struck down the Voting Rights Act of 1965 which required several states to get approval from the DOJ before any changes could be made on issues relating to voting. Since the Supreme Court ruling took place after the Legislature passed the changes to the superintendent status, Mr. Meherg feel this issue may lie in a gray area; therefore, he feels the safe route is to send a letter to the DOJ on the appointment of the superintendent. Commissioner Hicks made a motion to authorize a letter to the DOJ concerning the appointment of the Superintendent of Education for the County School System. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Consider a proposed settlement agreement in case CV-2013-900138**

Attorney Meherg stated a lawsuit has been filed on behalf of the Sales Tax Department for non-payment of sales tax. A settlement amount of approximately \$8,000, depending on the penalty and interest, has been reached. County Administrator Gary Teichmiller asked if the business is also delinquent of state sales tax. Mr. Meherg stated it is his understanding that taxes are delinquent on all levels. If the taxes are not paid, measures will be taken to padlock the business. Commissioner Yarbrough made a motion to accept the proposed settlement agreement in case CV-2013-900138 for the payment of delinquent sales tax. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

**Consider approval of New Ground Fellowship Ministries Community Outreach Rally to be held in the South Parking lot of the Courthouse**

Lisa Jones, pastor with the New Ground Fellowship Ministries, stated the church is sponsoring an outreach rally for the public. It will be held on July 27, 2013 from 12:00 p.m. to 4:00 p.m. They are requesting to use the parking lot at the south end of the courthouse. Attorney Meherg stated they will need to sign a hold harmless agreement and waiver with the County. Commissioner Hicks made a motion to approve the use of the south parking lot for the event. Commissioner Yarbrough seconded. The motion carried on a unanimous voice vote.

**Approve an appropriation of \$2,300 to the Ag Center for the North Alabama Youth Rodeo on July 19-20**

Commissioner Yarbrough made a motion to approve an appropriation of \$2,300 to the Ag Center for the North Alabama Youth Rodeo to be held on July 19-20. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Consider approval of \$7,200 for Computer Work Stations to be purchased off the State Bid List for the CARTS Department**

Joyce Echols, Director of CARTS, stated ALDOT has approved an 80/20 grant for the purchase of the work stations. CARTS will pay the 20% match. Commissioner Hicks made a motion to approve the purchase of computer work stations from the State Bid List. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Consider the purchase of a John Deere 6105D Cab Tractor from Snead Equipment from State Contract T222 – cost \$42,159.11**

Jon Brunner, County Engineer, stated the tractor is to replace a tractor that has been surplused and is listed for sale on Govdeals. Commissioner Yarbrough made a motion to approve the purchase of a John Deere 6105D cab tractor from Snead Equipment from state contract T222 at a cost of \$42,159.11. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Consider plat for Broadway-Eva Road Subdivision, located in District 3 on County Road 1435**

Jon Brunner, County Engineer, stated the plat proposes dividing a lot into two equal lots. A resident, who owns property adjacent to lot to be divided, questioned exactly how the proposed change would affect her property and whether there would be any regulation as to the price or square footage of a home that could be built on the property. Mr. Brunner stated all the County was approving was the division of the lot into two lots. Commissioner Hicks made a motion to approve the plat for the Broadway-Eva Road Subdivision, located in District 3 on County Road 1435. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Extend Bid No. 1083 – Vehicle Service – SANTEX, Inc. d/b/a Havoline Express Lube**

Commissioner Yarbrough made a motion to extend the bid for vehicle service for one (1) year with SANTEX, Inc. d/b/a Havoline Express Lube. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

**Bid No. 1139 – Community Safe Room Smith Lake Park – award to Aqua Marine Enterprises Safe-T-Shelter Storm Shelters**

Cherrie Haney, Interim Director of Economic Development, stated the low bidder was Aqua Marine Enterprises Safe-T-Shelter from Danville with a bid of \$43,455 for the shelter and \$4,995 for the enclosed generator. The land will serve as the match for the grant. Commissioner Yarbrough made a motion to award Bid No. 1139 to Aqua Marine Enterprises Safe-T-Shelter for the construction of the community safe room at Smith Lake Park. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Ratify the following personnel actions:**

Jeffrey Fortenberry	CARTS
Durwin Lee Brock	Sheriff's Department
John Lang	Road Department
M. Hagen Speegle	Smith Lake Park
Aaron William Andrews	Smith Lake Park
Matthew Reeves	Sanitation Department
Janet McDonald	Revenue Department

Commissioner Hicks made a motion to ratify all personnel action. Commissioner Yarbrough seconded and the motion passed on a unanimous voice vote.

**NEXT REGULAR COMMISSION MEETING JULY 30, 2013**

Chairman Walker announced the next commission meeting will be Tuesday, July 30, 2013, at 10:00 a.m. in the commission meeting room.

**ADJOURN THE MEETING**

Commissioner Hicks made a motion to adjourn the meeting. Commissioner Yarbrough seconded the motion. Chairman Walker adjourned the meeting at 10:24 a.m.

/s/ \_\_\_\_\_  
Kenneth Walker,  
Chairman

/s/ \_\_\_\_\_  
Darrell Hicks  
Associate Commissioner

/s/ \_\_\_\_\_  
Stanley Yarbrough,  
Associate Commission