

## **COMMISSION MEETING – APRIL 11, 2005**

A regular meeting of the Cullman County Commission was held on Monday, April 11, 2005, at 10:00 a.m., in the County Commission Office Conference Room. Present were Chairman Wiley Kitchens, Commissioner Doug Williams, and Commissioner Stanley Yarbrough. Chairman Kitchens called the meeting to order and welcomed the visitors. Attorney, Dan Willingham gave the invocation and Chairman Kitchens led the pledge of allegiance.

### **APPROVE MINUTES OF MARCH 28, 2005 MEETING**

Commissioner Yarbrough made the motion to approve minutes of the March 28, 2005 meeting as recorded. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

### **APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSE, ETC.**

Commissioner Yarbrough made the motion to approve appropriations, expenditures, requisitions, travel expense, etc. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

### **APPROVE ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Yarbrough made the motion to approve all journal entries to be posted. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

### **CONSIDER APPROVING TAX ABATEMENT FOR TOPRE INTERNATIONAL INC.**

Chairman Kitchens stated an agent with the Cullman Economic Development Office is with us Mr. Cal Wray. Chairman Kitchens ask if Mr. Wray would explain this abatement.

Mr. Wray stated this is Topre second phase their working on. At the present time Topre has approximately 250,000 square feet of manufacturing space. Topre is looking at building 97,000 square feet in addition to their present square footage. Topre's initially investment was \$62,000,000.00 and employing around 225 employees. They would like to increase this by spending another \$15,000,000.00 and adding approximately 80 more jobs, having a total of 350 employees by this time next year. Commissioner Williams made the motion to approve the tax abatement for Topre. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

### **RESOLUTION NO. 2005-28 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**

Kelly Allen, Assistant EMA Director stated as mentioned in a previous County Commission Meeting the President has mandated this and now the Governors has taken hold of this across the nation. They want a standard Emergency Response Plan and it has to be by Resolution not only with the County Commission within the County but within each municipality as well. The way it was explained to us and its pretty self explanatory if you as elected officials and any one in emergency response can log onto fema.gov and follow down the page the NIMS course is on the front page and the directions written by the President where they want this adopted across the country by October of 2006 and if this is not implemented and well on its way being in complete compliance then it would stop federal monies other than emergency deri management clean up for the initial emergency response and nothing there beyond for mitigation. They did say some of the 2005 monies would have to show where they are at with getting the NIMS adopted.

Commissioner Williams made the motion to adopt the NIMS Resolution. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

### **RESOLUTION NO. 2005-29 - REDUCING SPEED LIMIT ON COUNTY ROAD 255 TO 25 MPH**

Philip Widner, County Engineer said this road was in the Valley Grove area and Commissioner Yarbrough had asked the Engineering Department to look at this road. After looking at this road we recommend establishing a 25 MPH speed limit. Commissioner Yarbrough made the motion to reduce the speed to 25 MPH on County Road 255. Commissioner Williams seconded, and upon a voice vote the motion carried unanimously.

### **RESOLUTION NO. 2005-30 – SPEC. BUILDING #5 LOAN**

Attorney Dan Willingham stated there are ten (10) local lending institutions putting the funds together to redo this loan. The Resolution will be resolving that you sign a contract with the City of Cullman, The County Economic Development and The City Industrial Development that the County will pay one-half of the interest on the 1.5 million for this loan.

Commissioner Williams made the motion to adopt Resolution No. 2005-30. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

### **CONSIDER AWARDING BID NO. 796 OFFICE SUPPLIES**

Gary Teichmiller, County Administrator stated this was a bid for general office supplies to exclude paper and ink/toner cartridges for a percent discount off the catalog price. Four (4) bids were received.

Attorney Dan Willingham stated all four (4) vendors meet the terms of the bid, posted their bonds and etc. Even when you make application of your resident preferred zoning you have up to a 3%. Even with a 3% the local vendors was not able to meet the numbers. Having met all the specifications, it appears Office Depot is your lowest responsible bidder and has the ability to comply with the terms.

Commissioner Yarbrough made the motion to award Bid No. 796 to Office Depot. Commissioner Williams seconded.

Steve Singleton with Bryan Business asks to speak to the Commission at this time concerning the Office Supply Bid. Mr. Singleton stated he had an opinion from the Attorney General pertaining to the bid law. Mr. Singleton stated they were ask to bid on a catalog excluding paper and ink/toner cartridges. You have two (2) bidders local that have complied with the bid that I feel can supply the products. It appears to be an option in the bid to choose items that we could discount differently. In the opinion of the Attorney General no where does it say you have to take the lowest bid. Your given a widen discretion of who the best bidder is and the best interest of the county. Bryan Business has had the bid the past two (2) years and on numerous occasions the items were needed that day and we would delivery them that day. Office Depot can't do that, so my question is

what's the value if your offices are unable to function because they don't have the supplies to function. The other choice is you can inventory more items therefore it cost you more to carry the inventory. I think being a local vendor and supplying those items when you need them. I have been an active member of the Chamber of Commerce for many years and we promote shopping locally in Cullman County so our tax dollars will stay here.

Attorney Willingham said he agreed with Mr. Singleton. I think that's why the statute puts the 3% variance so you can give them to local bidders, and your correct they can reject any/or all bids to change the specifications to offer or grant the contract to someone who actually does not have the lowest bid. This would require them to make a decision that the other bid is not a responsible bid. The courts do give great latitude in determining if letting the local authorities make the decision of what is or what is not a responsible bid. So when you read the Attorney General's Opinion that's what their indicating not that they can grant to who so ever they will but if its not a responsible bid. I think the Commission would agree not to give a political view. The real question is, is it the lowest responsible bid or not. They would almost have to make a decision that Office Depot is not a responsible bidder. I think your point is that they can't provide the product on today's date then they may not be responsible. Mr. Singleton stated his point is they didn't give you one discount on the entire catalog excluding items you stated, everything else is at a 5% discount other than the 5000 items listed. Bryan Business is giving you 29,500 items at 37.8% off their giving you 5,000 items at 71% and all other items at 5-10% off.

Ms. Kreps with Office Equipment stated they would like to have the opportunity to monitor the invoices each month to make sure the county is getting the 71% discount.

County Administrator Gary Teichmiller said that would be no problem monitoring the invoices its public record.

And upon a voice vote the motion carried unanimously.

### **CONSIDER AWARDING BID NO. 800 – PEST CONTROL (JAIL)**

Gary Teichmiller, County Administrator stated two (2) bids were received. It's my recommendation to award the contract to the lowest bidder, Cooks Pest Control.

Commissioner Williams made the motion to award Bid No. 800 to Cooks Pest Control. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

### **REJECTING BID NO. 801 – JAIL SUPPLIES**

Mr. Teichmiller said he had spoken with Lt. Bugler concerning the jail supply bid. Only one (1) bid was received. Due to the language in the contract we feel like it does not meet the bid specs and recommends rejecting the bids and re-bid again.

Commissioner Williams made the motion to reject Bid No. 801. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

### **CONSIDER AWARDING BID NO. 802 – COMPUTER PAPER, COPIER PAPER AND INK/TONER CARTRIDGES**

Mr. Teichmiller stated this bid was broke down into two (2) parts: computer paper, copier paper and ink/toner cartridges.

On the computer paper and copier paper only one (1) bid was received. I recommend we award the computer paper and copier paper to Office Equipment.

Commissioner Williams made the motion to award the paper bid to Office Equipment. Commissioner Yarbrough seconded, and upon a voice vote the motion carried unanimously.

Part of this bid included the ink/toner cartridges, only two (2) bids were received. I recommend awarding this part of the bid to GDP Group.

Commissioner Yarbrough made the motion to award the ink/toner cartridges to GDP Group. Commissioner Williams seconded, and upon a voice vote the motion carried unanimously.

### **CONSIDER AWARDING BID NO. 803 – AGGREGATE**

County Engineer Philip Widner stated this is the annual aggregate bid. Normally what the county does on this bid we award to all surrounding interested bidders that have submitted a bid. The actual cost of the rocks depends upon where we need to haul too in various parts of the county. I recommend awarding this bid to all three (3) vendors that have submitted a bid. Then it will be at each Commissioner's discretion who the county hauls from depending upon the haul distance to the project.

Commissioner Yarbrough made the motion to award Bid No. 803 to all three (3) vendors. Commissioner Williams seconded, and upon a voice vote the motion carried unanimously.

### **NATIONAL FLOOD INSURANCE PROGRAM**

Chairman Kitchens stated this has already been touched on somewhat with this being tied to Federal Funds. I believe the Engineering Department has the maps showing where all the flood zones in the county are located. The county's at a point where we don't have a lot of choice. The county's going to have to participate in order to receive federal funds and it will allow the property owners to buy flood insurance.

Commissioner Williams stated basically all the county needs to do is have a mapping system of the flood plains. Its really going to fall back to the lending institutions if their going to lend money to an individual to build on a piece of property they may require Flood Insurance and this gives them the opportunity to purchase the insurance at a reduced cost thru the Federal Government. If we don't do this we would be ineligible for any kind of reimbursement from the Federal Government. It's not a cost to the county other than the mapping system to be able to advise them if their property is in a flood zone area or not.

There's a questionnaire that comes along with this to be signed by an engineer.

Philip Widner, County Engineer said there are very few counties that are not a member of the Flood Insurance Program.

Dan Willingham, Attorney said at this point now you can't borrow money from a lender if you're in a flood zone because it's not insured. You cannot buy flood insurance if you're not a participating community.

Chairman Kitchens stated they would table this until a Resolution from the Attorney was written.

### **DISCUSS GOING TO A COST OF LIVING INCREASE VS. MERIT INCREASE**

Attorney Willingham stated the county's handbook right now provides that pay increases for continued years of service may be awarded annually, so you have the ability to award right now, it's referred to as longevity pay, but your evaluations talks about a merit increase. So really it's inconsistent, the county needs to revise in the handbook whether its longevity or merit. Another pay you can give is a across the board cost of living increase. So if you're saying this is a cost of living increase you need to modify

your handbook. Cost of living increases are provided for in your handbook and its just basically the Commission may determine across the board raise should be provided for. That's not really a cost of living so much. It says when the commission approves an increase and continuance years of service longevity increase the same year. The handbook talks about how the commission can do this. The handbook will need to be modified in order to do this and the commission will need to post for 10 days so everyone in the county will know what the Commission is doing and it's a good ideal since it's a direct effect on the employees. Chairman Kitchens stated that this is what the discussion is about, what we need to do to change this, because you have so many different procedures going on from one department to the next. We can't allow one department to do one thing and allow another department to do something else. You can't stop the promoting of an individual in one department and allow another department to keep promoting and this is basically what we have going on now. The commission is going to have to change this and said this is all that's allowed is a percentage of cost of living raise every year, based on revenues.

Mr. Willingham stated the county will have to modify the handbook because you have 3 or 4 different pays. Your evaluations talks about them being merit raises and they may be more along the longevity raises than merit raises.

Commissioner Yarbrough stated he would like to have some employee impute. It could give us some ideals on what we may need to do.

Kay D. Smith, Revenue Commissioner stated you need to look at some of these employees that have been employed with the county for 25 years, their getting no raises. I have employees that have been with the county that has all this knowledge and get nothing. The years of service and knowledge they have can't be replaced.

Commissioner Williams stated that's one of the things we have been working on and looking at is doing a yearly cost of living raise that goes to everyone. It doesn't matter if you've been here 5 years or 30 years, there's not a "top out" situation. Under the current merit system when you get to that level there's no where to go.

Sammie Danford with the Economic Development Office ask if the county goes to this would they be any need for employee evaluations?

Chairman Kitchens stated they would still need to be an evaluation system. What's happening is after an employee that has been here 2 or 3 years the department heads are changing their classification to get them a 2 or 3 step raise. This is what we're going to have to get under control. The payroll just keeps rising. Right now the county has a freeze on hiring. The commission is going to have to address this and take some measures to stop a lot of this from happening. We have some employees that have been with the county 5 years making more money than some that's been here 15 years and it's simply because of the way some of this has been handled.

Revenue Commissioner Ms. Smith ask the commission to let the department heads know when these meetings are being held so they could have some impute on some of these issues. I agree with the commission, we need to get some kind of control. But we need to find some way to correct some of this also.

Chairman Kitchens said this is some of the issues we will be addressing and we will get with department heads concerning all this for some impute.

#### **NEXT COMMISSION MEETING TUESDAY, APRIL 26, 2005 AT 10:00 A.M. IN THE COMMISSION OFFICE CONFERENCE ROOM**

Chairman Kitchens announced the next commission meeting will be Tuesday, April 26, 2005 at 10:00 a.m. in the Commission Office Conference Room. The meeting is scheduled for Tuesday, due to Monday being a holiday.

#### **PUBLIC COMMENTS**

##### **Mr. Rhodes**

Several articles pertaining to Region 2020 have been in the Cullman Times lately. It talks about a regional round table of elected officials meeting. The last meeting recorded on the web site was in June of 2003. Ed Darling is supposed to be the Chair of this group and you would think they would be some in depth articles in the paper pertaining to these meetings.

Chairman Kitchens stated he was not aware of any of the meetings.

#### **ADJOURN**

Upon a duly made and carried, the meeting was adjourned.

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Wiley Kitchens, Chairman

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Doug Williams, Commissioner

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Stanley Yarbrough, Commissioner