

COMMISSION MEETING – September 30, 2005

A regular meeting of the Cullman County Commission was held on Friday, September 30, 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 SEPTEMBER 12, 2005 MEETING

Commissioner Yarbrough made the motion to approve minutes of the September 12, 2005 meetings 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.

RESOLUTION NO. 2005-57 FLOOD DAMAGE PREVENTION ORDINANCE

EMA Director, Phyllis Little stated this is the second step in applying to be apart of the National Flood Insurance Program. The first ordinance was passed in April of 2005 was the intent to participate and cooperate with FEMA. This ordinance today adopts the flood plain management ordinance that meets or exceeds NFIT standards.

Commissioner Williams ask what the deadline is for this ordinance.

Ms. Little replied that it's supposed to be done within one year of the sanction letter which was received in December of 2004. Commissioner Williams made the motion to table for further review. Commissioner Yarbrough seconded.

RESOLUTION NO. 2005-58 4% PAY INCREASE FOR RETIREE'S

Chairman Kitchens stated Resolution No. 2005-58 is a 4% increase for retiree's. This percentage is approved by the State. Commissioner Williams made the motion to adopt Resolution No. 2005-58. Commissioner Yarbrough seconded and upon a voice vote, the motion carried unanimously.

CONSIDER PER DIEM RATE FOR TRAVEL

Chairman Kitchens stated what this would do is set a minimum/maximum per day for over night travel. This per diem rate would cover meals only.

Commissioner Williams made the motion to table the Resolution for further review. Commissioner Yarbrough seconded.

RESOLUTION NO. 2005-59 MINIMUM PAY FOR PERMANENT FULL TIME EMPLOYEES

Chairman Kitchens stated Resolution No. 2005-59 beginning October 1, 2005 all employees that are permanent full time employees will go to \$8.00 per hour if their making less than the \$8.00 per hour.

Commissioner Williams made the motion to adopt Resolution No. 2005-59. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION NO. 2005-60 OVERTIME PAY FOR EXEMPT EMPLOYEE'S

Mr. Willingham, County Attorney stated what you would be passing is a Resolution where Call Out Pay will be paid to all employees responding to a Commission declared emergency and authorized in writing by the appropriate appointing authority or department head or County Administrator. Call out Pay will begin on the Monday of the week in which the emergency is declared and end when the Commission formerly deactivates. The designated, exempt employee will be considered a non-exempt (hourly) employee only during the period of time in which the Commission declares a state of emergency. The exempt employee will not receive overtime pay for work during any portion of the pay period that is not during a declared emergency. Commissioner Williams made the motion to adopt Resolution No. 2005-60. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION NO. 2005-61 EMA OVERTIME

Mr. Willingham stated by this Resolution the EMA Director will receive overtime pay only in instances where the Federal or State Governments will reimburse the overtime amounts. The emergency may be here or elsewhere.

Commissioner Williams made the motion to adopt Resolution No. 2005-61. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER AGREEMENT WITH SHERIFF'S DEPARTMENT – WORK RELEASE PROGRAM

Mr. Willingham stated the Commission passed a Resolution in March of 2005, establishing a Work Release Program with County and State inmates. This agreement designates how the money received into the Sheriff's Department be applied. The funds will reimburse the County for deputies and personnel this includes their salaries and benefits.

Tyler Roden, Sheriff said as far as the Work Release Program it's working out well, our goal to make it self supporting and I believe we will be able to do that.

Commissioner Williams made the motion to accept this agreement. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER AGREEMENT WITH SHERIFF'S DEPARTMENT – HOUSING FEDERAL INMATES

Mr. Willingham stated this is an agreement with the Commission and the Sheriff to enter into an agreement with the United States to house Federal Inmates. Payments from the United States shall be made to the Cullman County Commission. The County Commission shall provide budget and funding for the hiring of additional deputies and other personnel if the amounts to be paid are adequate to fund the same. The contract with the United States must provide for the number of beds sufficient to fund the needed personnel and other expenses. If the funds received from the United States are insufficient to pay the salaries, benefits and other costs incident to the housing of Federal inmates, then the Cullman County Commission may cancel the contract with the United States and cease the funding if permitted by the United States contract.

Commissioner Williams made the motion accept the agreement. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER APPROVAL OF BUDGET FOR FISCAL YEAR 2005-2006

Gary Teichmiller, County Administrator stated the proposed operating budget for all funds is \$35,798,000.00 and \$1.2 million in capital outlay. Included in the \$35 million is \$14 million for the General Fund, \$7.5 million for Road, \$3.3 million for Sanitation, \$618,000.00 for Parks and \$6.6 million for Water. This is the main expenses and I recommend the approval. Commissioner Williams made the motion to approve the Budget for fiscal year 2005-2006. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER ADOPTING RULES OF ORDER

Mr. Willingham announced the Open Meetings Law becomes in effect the 1st of October 2005. All governmental entities, organization's that have boards appointed by a governmental entity are subject to the Open Meetings Law. The ACCA has recommended Rules of Procedures and I have draft those procedures with some modifications.

Commissioner Williams made the motion to adopt the Rules of Procedure Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER DEEDING PARCEL OF LAND TO THE CULLMAN COUNTY HISTORICAL SOCIETY

Mr. Willingham, County Attorney stated there's been some confusion with the Berlin Cemetery as to who's it is, and the exact location. The Historical society of Cullman has approached the County Commission stating they would take over the management of the Berlin Cemetery. At the request of the Commission I have drafted a quick claim deed that conveys the county's interest 'if any' to the Historical Society if they are still receptive.

Commissioner Williams made the motion to convey the Berlin Cemetery to the Historical Society if they still have an interest and permission for Chairman Kitchens to sign the quick claim deed. Commissioner Yarbrough seconded and upon a voice vote, the motion carried unanimously.

AWARD BID FOR SPORTSMAN LAKE MOUNTAIN BIKE TRAIL

Mr. Bill St, John from St John and Associates stated they have received several proposals for building the Sportsman Lake Mountain Bike Trail and I recommend accepting the proposal from Appalachian Landscape Management with the provisions for the contract not to exceed \$40,000.00. The project is expected to start in December of 2005 and take approximately five weeks.

Commissioner Yarbrough made the motion to accept the proposal from Appalachian Landscape Management. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER CHANGING HEALTH REINSURANCE CARRIER

Gary Teichmiller, County Administrator stated the county is self insured in our health insurance. What the reinsurances is, is a separate insurance policy that will reimburse the county for any claim over \$65,000.00 or what ever threshold we establish. Right now our current carrier is Monumental Live and premiums are about \$200,000.00. Our Blue Cross representative has a quote from Companion Live with the same coverage for \$150,000.00. It's my recommendation we go with Companion Live. Commissioner Williams made the motion to go with Companion Live for the health reinsurance carrier. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER APPOINTING DIRECTOR FOR PARK AND RECREATION

Chairman Kitchens stated when the county took the park system over it was announced at that time applications would be took for this position. Until now no one has applied for the job as park director. It's my recommendation to hire Robbie Camp as the director.

Commissioner Yarbrough stated he would like to find a licensed director to run the park system. I believe the county's not getting the full benefit of the parks and that's why I think we need a licensed director.

Chairman Kitchens stated in Mr. Camps behalf I have to say he's done a very good job. This is why I make the recommendation. I don't know if the county could afford to hire a licensed director. It's my recommendation to go ahead and make this position of director a permanent position.

Commissioner Williams stated he had already agreed and signed the letter.

Revenue Commissioner Kay Williams ask what Mr. Camps Salary would be. Commissioner Williams answered \$47,000.00 a year and Mr. Camp had taken a substantial pay cut from what the Park Board was paying.

WATER DEPARTMENT UPDATE – DAVID BUSSMAN

Mr. David Bussman, Manager of the Cullman County Water Department stated in April of 2005 he had brought to the attention of the County Commission the city water rate increase of 27.14% and that the Water Department would need to do something October 1 of 2005. The city's rates over the past five years there's no way to figure a rate increase. The next rate increase from the city will be in March of 2006. I am proposing a rate increase of a little under 12.5% just to cover the increase

from last to this year. If the city increases another 27%, I will be back again. At this time I'm requesting a rate increase of the minimum bill from \$13.13 to \$14.75 for the first 2000 gallons. For the next 3000 gallon it will be \$6.20 for the next 5000 gallons it will be \$5.80, the next 5000 gallons it will be \$5.40 the next 5000 gallons will \$4.95 per thousand and anything over 20,000 gallons will be \$4.55 per thousand.

Commissioner Williams made the motion to increase water rates as stated. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

NEXT REGULAR COMMISSION MEETING TUESDAY, OCTOBER 11, 2005

Chairman Kitchens announced the next regular Commission Meeting will be Tuesday October 11, 2005, due the Holiday on Monday.

PUBLIC COMMENTS

Philip Widner- announced that Alabama Power is supplying funds to up grade the boat parking lot at Smith Lake Park. Commissioner Williams will be using the men from the East Side Road Department to do the work.

George Mann – Representing the Veterans, addressed the Commission concerning an automatic door at the back entrance of the Courthouse and flowers for the Memorial Wall on November 11, 2005 as to what type of hanger or stand do they need to use.

Phyllis Little – announced grants that have run thru the EMA Office this fiscal year total approximately \$784,000.00.

Doug Williams – commended Phyllis Little, Sammie Danford and all departments for their work in obtaining grants.

Philip Widner – announced that most of the clean up from Hurricane Katrina is complete. Reimbursement from FEMA will be around \$50,000.00.

Dan Willingham – The Commission needs to consider taking County Road 1733 and County Road 1734 into the county maintenance system. Signatures have been obtained from the property owners and meet the qualifications set forth in the standards for taking a road into the county maintenance system.

Commissioner Williams made the motion to bring the roads into the county maintenance system. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

Stanley Yarbrough – stated County Road 31 on the west side of the county they are still working on obtaining signatures.

Gay Nell Wilhite – commends the volunteer Fire Departments for their work during disasters.

ADJOURN

Commissioner Williams made the motion to adjourn. Chairman Kitchens seconded.

Wiley Kitchens, Chairman

Doug Williams, Commissioner

Stanley Yarbrough, Commissioner