

**CULLMAN COUNTY COMMISSION MEETING**  
**November 10, 2009**

**CALL TO ORDER AND WELCOME**

Chairman James Graves called the Commission Meeting to order at 10:04 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 Attorney Willingham and Commissioner Willingham led the Pledge of Allegiance.

**APPROVE MINUTES OF THE OCTOBER 27, 2009 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Wayne Willingham made the motion to approve the October 27, 2009 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Doug Williams made a second to the motion and upon a voice vote, the motion carried unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**NEW BUSINESS**

**Chris Van Dyke from Mental Health to address the Commission concerning psychiatric beds in Cullman County**

Chris Van Dyke, Director of Cullman Area Mental Health, addressed the Commission concerning the twenty (20) psychiatric beds at Woodland Hills. When Woodland Hospital was purchased by Cullman Regional Medical Center (CRMC), the certificate of need for the psychiatric beds was obtained by CRMC. The hospital has until June 2010 to use the certificate or file for an extension. It is his understanding the hospital does not intend to use the certificate, there are no plans to offer mental health services at CRMC. If no action is taken, the certificate of need will be lost, leaving no in-patient psychiatric facility in Cullman County. Currently psychiatric patients from Cullman County are being transferred to Decatur General West and as far away as Talladega. This results in added cost for transportation, including out of town ambulance service, as well as inconvenience and hardship to patients and their families. Mr. Van Dyke stressed the importance of keeping Cullman area mental patients nearby. Once the certificate of need is lost, it will be difficult to get it back.

Mr. Van Dyke asked the Commissioners to talk with the Health Care Authority Board member they appoint requesting, if the hospital is not willing to provide psychiatric services, they consider selling the Woodland Hospital building and the certificate of need to someone who will provide in-patient psychiatric services in Cullman County.

Chairman Graves asked if the Area Mental Health would be willing to run an in-patient program. Mr. Van Dyke stated they do not have the financial resources to administrator the program, but would be willing to assist if a private owner could be found.

**Consider approval of contract with F & O Architects for architectural and engineering work for the Energy Efficiency and Conservation Block Grant (EECBG)**

Gary Teichmiller, County Administrator, stated the contract is for the preliminary design work on the energy grant for replacement of lighting and upgrades to the HVAC system in the courthouse. The architect fees are not to exceed \$4,500.00. Chairman Graves stated the grant for \$335,000 was federal stimulus money with no required matching funds. Commissioner Williams made a motion to approve the contract with F & O Architects for work related to the EECBG. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

**Commissioner Willingham to re-appoint Pete Kirby to the Building Authority Board**

Commissioner Willingham made a motion to re-appoint Pete Kirby to the Building Authority Board for a six (6) year term to expire November 2015. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 1024 – Tree Service**

Gary Teichmiller stated Marshall's Tree Service was the overall low bidder for tree trimming, cutting and removal. Commissioner Williams made a motion to award the bid for tree service to Marshall's Tree Service. Commissioner Willingham second. The motion passed on a unanimous voice vote.

**Bid No. 1025 – One (1) or more six cubic yard side-loading refuse collection trucks with body**

James Rollo, Director of Sanitation, stated the low bidder was Neely Coble with a price of \$82,647.00. Commissioner Williams made a motion to award the bid for one (1) or more six cubic yard side-loading refuse trucks to Neely Coble. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

**Bid No. 1026 – One (1) or more forty cubic yard side-loading refuse collection trucks with body**

Mr. Rollo stated two bids met the specifications. He recommended awarding the bid to Nextran with the low bid of \$198,556.00. Commissioner Willingham made a motion to award the bid for one (1) or more forty cubic yard side-loading trucks to Nextran. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

### **Set a public hearing date for the vacating of County Roads 1770, 1073, 304, and 630**

Dan Willingham, County Attorney, stated these are roads that have been addressed by the Commission previously but advertising for the hearings was not properly done. He recommended setting a new public hearing date of December 22, 2009 for County Roads 1770, 1073, 304 and 630.

### **Consider allowing the County Administrator to secure financing for the proposed capital improvements for the Water Department**

Commissioner Williams requested the wording be changed to read “investigate financing” rather than “secure financing.” Commissioner Williams stated the funding is for improvements that are required by the EPA to meet 2012 guidelines for disinfection byproducts. *Chairman Graves suggested that Congressman Robert Aderholt be contacted with regard to possible federal funding. He stated \$10 million in funding is being considered; however \$4 million is for two proposed wells which are not considered as infrastructure. The funds for the wells would probably not come under federal funding guidelines. The Chairman requested that the Water Department prepare an informational packet that can be delivered to Congressman Aderholt. Commissioner Williams made a motion to authorize the County Administrator to investigate conventional financing avenues and also federal funding for capital improvements for the Water Department. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.*

*Authorize the Chairman to sign an agreement with Goodwin Mills Cawood to facilitate a meeting between the County and City of Cullman*

*Chairman Graves stated in the last discussion between the Commissioners and Congressman Aderholt concerning the water issue in Cullman County, the County was encouraged to come to a consensus with the City on a secondary water plan including hiring a neutral party to mediate. The Chairman expressed concerns that the engineering firm of Goodwin Mills Cawood has previously done work for the water department and may not be a totally unattached.*

*Commissioner Williams stated, it is his understanding, that Goodwin Mills Cawood has submitted a letter to the City stating their firm will not bid on any contracts related to the water project. Chairman Graves stated he has not seen a letter to this effect.*

*Attorney Willingham stated he has heard that a letter has been delivered to the City, but he has not seen it. It is also his understanding that the City has worked with Goodwin Mills Cawood on engineering projects previously. He also explained that the County is desirous of hiring a mediator for the purpose of discussing all water issues with the City, not limiting the scope to the Duck River project. He also explained this would be mediation, facilitating dialogue, not arbitration which would mandate the outcome.*

*Chairman Graves requested the item be tabled until it is determined if a letter has been sent to the City by the engineering firm. Commissioner Williams made a motion to table the item. Commissioner Willingham seconded.*

*Chairman Graves reports on meeting with Alabama Power Company representatives*

*Chairman Graves stated he has met with representatives from Alabama Power, at their request, concerning withdrawal of water from Smith Lake. They wanted to make sure their position on the County’s proposal to withdraw water from Smith Lake deals only with the permitting process, not the pros and cons currently being discussed and reported in the newspaper.*

*Chairman Graves stated a letter was delivered to him from Alabama Power with a copy going to the Mayor. He feels several items merit further consideration. Alabama Power owns Smith Lake which was sanctioned under the Federal Energy Regulatory Commission (FERC). The primary purpose of Smith Lake is generating electricity; any other use of water from Smith Lake is secondary to the generation of electrical power. Therefore, Alabama Power can regulate at any time the amount of water pulled from the lake for any purpose other than generation of power.*

*Alabama Power will also determine the rate paid for withdrawal of water. The fees would be based on the cost involved to build a reservoir that would hold the amount of water that is displaced. The fee rate is reviewed every five (5) years with 2010 being the year of the next review. The representatives indicated the rates will be going up.*

*Cullman County would be the first entity to withdraw a significant amount of water from the lake; the current proposal is for 20 million gallons per day. In the letter from Alabama Power it is stated that although not discussed in previous meetings, Alabama Power will include drought mitigation provisions in all future withdrawal permits consisting of withdrawal caps or reductions, premium rates, and/or use restrictions on customers of the withdrawing utility during periods of severe drought. Chairman Graves expressed concerns of the definition of “drought” Alabama Power may use to restrict water withdrawal since their primary objective is generation of electricity.*

*Although not expressed in the letter, the representative from Alabama Power stated there are some concerns about the interbasin transfer of water north of Smith Lake. If this is the case, water may never be withdrawn from Smith Lake. Chairman Graves recommended that the County Attorney investigate the status of the interbasin water transfer including any pending court cases or legislative actions.*

*Chairman Graves stated there has also been discussion of the water department acquiring \$10 million in short term debt, two (2) years, with the intention of rolling the debt to the bond issue for the Smith Lake project. It is doubtful that a two year window would be adequate time for the necessary steps required for a bond issue to occur. The application with Alabama Power will take approximately one (1) year. The FERC approval can take from six (6) months to several years depending on interventions (law suits) and contested issues.*

*Chairman Graves asked if the Water Department was unable to pay the debt in two years, would it become a general obligation debt for the County. Attorney Willingham stated it would be a revenue generating debt; however any time the Water Department has a problem, the County has a problem. Chairman Graves cautioned that all options for a secondary water source should be investigated and all avenues for financing short and long term debt be exhausted before the County rushes into any water project.*

*Consider a rate increase for water of 10.07%*

*Chairman Graves stated he is hesitant to recommend a water rate increase at this time until the County has a plan in place*

for any water projects. He recommended contacting Chris Cousins with Municipal Consultants, who has worked with the Water Department, for additional information which the County Administrator can review before any rate increase is imposed on the water customers. Chairman Graves asked that consideration of a 10.07% rate increase be tabled until further figures are available.

Commissioner Williams stated a portion of the increase is to cover the anticipated annual rate increase that the City of Cullman imposes each spring. The additional funding would be to cover cost of improvements to reduce disinfection byproducts as mandated by ADEM. Increasing rates now will help to offset the need for additional financing for future improvement projects.

Chairman Graves inquired about a pump system which ADEM has suggested, currently being used in Tuscaloosa County that would lower disinfection byproducts at a fraction of the cost of other systems. David Bussman, Water Department Manager, stated the system removes products which can be aerated, but does not remove solid disinfection byproducts.

Commissioner Williams made a motion to increase water rate by 10.07%. Commissioner Willingham seconded, and upon a unanimous voice vote, the motion passed.

Consider an addition to the Personnel Handbook providing for an employee pay supplement  
Dan Willingham, County Attorney, stated current policy requires any changes to the personnel handbook be posted for ten (10) days. The changes have not been posted for the required ten days. Chairman Graves stated the meeting will be recessed until Thursday, November 12, at 9:00 when the pay supplement provision can be considered for adoption.

#### OLD BUSINESS

Resolution 2010-01 – Authorize the Chairman to sign an agreement with the State of Alabama for use of County 1223 as a detour route

The County Attorney stated the original verbiage has been changed to satisfy the County's concerns of the maintenance and final repairs the State of Alabama will perform on County Road 1223. The road is to be used as a detour route during the repairs to US Highway 31. The original language stated the State would determine if County Road 1223 had been repaired "to as good as or better condition". The new agreement gives the final sign off to Cullman County.

Since a section of County Road 1223 extends into Morgan County, Commissioner Willingham stated he wants to discuss with the Morgan County road commissioner the agreement they have reached with the State before Cullman County signs an agreement. He requested the approval be tabled until further information is available.

#### Holiday Closings

Chairman Graves announced the Courthouse will be closed November 11, 2009 for Veterans Day and November 26-27, 2009 for the Thanksgiving holiday.

#### **NEXT REGULAR COMMISSION MEETING TUESDAY, NOVEMBER 24, 2009**

Chairman Graves announced the next regular Commission Meeting will be Tuesday, November 24, 2009 at 10:00 a.m. in the Commission Office Conference Room.

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#### **RECESS THE MEETING**

At 10:53 a.m., Chairman Graves recessed the meeting until 9:00 a.m. on Thursday, November 12, 2009

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James D. Graves, Chairman

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J. Douglas Williams  
Associate Commissioner

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Wayne Willingham  
Associate Commissioner