

CULLMAN COUNTY COMMISSION MEETING
June 24, 2010

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:00 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 Mac Buttram. Bill Korwatch led the Pledge of Allegiance.

APPROVE MINUTES OF THE JUNE 15, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Chairman Graves asked for a motion to approve the minutes of the June 15, 2010 Commission Meeting, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Williams made the motion, "with the stipulation that the minutes are a good summary of what we do, but they are not always complete and accurate. And also on the expenses, we had some question in the last meeting about expenses for tree trimming services; I've got some of the information, but not all of it. So I would like to suspend paying any of that till the next commission meeting. Other than that, pay all other appropriations, expenditures, requisitions, travel expenses and journal entries."

Commissioner Willingham seconded. Chairman Graves agreed to postpone payment on Marshall's Tree Service till the next Commission Meeting. The motion passed on a unanimous voice vote.

PUBLIC COMMENTS

Bill Korwatch, resident of County Road 109, stated it is his understanding that over \$1 million has been spent on County Road 109 and it is worse than when it had potholes. He went on to say if the County has a performance bond on the company from Mississippi it should be revoked, if they have not been paid they should not be paid, and if they have been paid full they should be sued for the "mess" they have made. He stated the last time he was on a road that rough he was in Contien (Vietnam) in a tank. He stated he has spoken to Commissioner Willingham previously about the road. In his opinion, the only way to fix the road is to blacktop it which will be very expensive but it would be good for 20-30 years.

Bert Jones, a resident of County 129 in Bremen, thanked the Commission for their public service. He also addressed the condition of County Road 109 particularly the section between County Road 222 and State Road 69. He requested the road be center striped.

George Harris, a resident of County Road 129, stated he travels County Road 109 daily. The road is in worse condition now than it was before work began and is especially dangerous at night.

NEW BUSINESS

Approve professional services with Goodwyn, Mills & Cawood, Inc. for appraisal and review of property for the airport

Dan Willingham, County Attorney, stated the Airport Board has changed engineering services. Since the County and the City of Cullman fund the airport, the board is asking for approval. The City of Cullman has already approved the change. Commissioner Williams made a motion to authorize the Chairman to sign the agreement for professional services with Goodwyn, Mills & Cawood, Inc. for the airport. Commissioner Willingham seconded. Upon a unanimous voice vote the motion passed.

Consider approval of the Community Correction Annual Plan

Commissioner Williams stated he has spoken with Sandra Castaneda from Cullman Community Corrections. The annual plan was revised last year; therefore there were no changes to this year plan for the work release program. Commissioner Willingham made a motion to approve the Annual Plan for Community Correction. Commissioner Williams seconded and the motion passed on a unanimous voice vote.

Consider approval of surplus items from the Westside Road Department

The Chairman read the following list of equipment to be declared surplus from the Westside Road Department:

- 2004 New Holland Tractor TS115A Serial # ACP230168
- 2004 New Holland Tractor TS115A Serial # ACP230352
- 2001 John Deere Tractor 6005 Serial # L06605H306646
- 1993 Chevy Truck 2500 Serial # 1GCFC29H2PE204902
- 2004 Cap mower Model # RBM 2060C Serial # 041229
- 2004 Cap mower Model # RBM 2020C Serial # 041228
- 2000 Alamo Cutter Serial # AB2305372
- 2000 2001 Alamo Cutter Serial # 2152
- 1996 Ford F700 Dump Truck Serial # 1FDNF70J9TVA12494

Commissioner Willingham stated the equipment had come to the end of its useful life and he made a motion to surplus and place the equipment of govdeals.com for disposal. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

Consider approval of surplus of various vehicles from the Sheriff's Department

The Chairman read the following list of vehicles to be declared surplus from the Sheriff's Department

- 2005 Ford Expedition Serial # 1FMPU15595LA65055
- 2005 Ford Crown Victoria Serial # 2FAFP71W35X120505
- 2004 Ford Crown Victoria Serial # 2FAFP71W34X104108
- 2005 Ford Crown Victoria Serial # 2FAHP71W75X125733
- 2004 Ford Crown Victoria Serial # 2FAFP71W14X104110
- 1999 Ford Taurus Serial # 1FAFP53UOXA178759

2002 Ford Crown Victoria Serial # 2FAFP71W92X134288

Commissioner Willingham made a motion to surplus the various vehicles from the Sheriff's Department. Commissioner Williams seconded, and upon a unanimous voice vote, the motion passed.

Consider request for \$1,000.00 donation from White City Community Center

Chairman Graves stated the Commission has received a request from the White City Community Center, a polling place, for funds to repair the building. Commissioner Williams made a motion to donate \$1,000.00 to the community center. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

Authorize the Chairman and EMA Director to sign all documents for the Emergency Management Performance Grant (EMPG) for 2010 totaling \$49,672.00.

Kelly Allen from the EMA Office stated this is the 2010 State appropriation which is a \$4,000.00 increase over last year's funding. Commissioner Williams made a motion to authorize the Chairman and EMA Director to sign all documents for the EMPG funding. Commissioner Willingham seconded. The motion carried on a unanimous voice vote.

Authorize EMA Director Phyllis Little to sign the grant agreement documents with the Alabama Department of Public Health (CEP-61-QW0-10) for \$8,000.00

Kelly Allen stated this is a non-matching training grant for the State Mortuary Team (SMORT) out of Cullman County. The funds will be used next month for training in Morgan County. Commissioner Williams made a motion to authorize Phyllis Little, EMA Director, to sign the grant agreement with the Alabama Department of Public Health. Commissioner Willingham seconded. Upon a unanimous voice vote, the motion passed.

Consider granting an extension for surety on Rocky Springs Subdivision located on County Road 67 in District 2

Keith Creel, Assistant Engineer, stated the subdivision was approved last year subject to an \$86,000 surety posted by the builder. The time has expired and Mr. Creel recommended extending the surety until March 15, 2011 for pavement of the roads. Commissioner Willingham made a motion to extend the surety on Rocky Springs Subdivision. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

Commissioner Williams to re-appoint Diane Brown to the DHR Board for a six (6) year term to expire 5-15-2016

Commissioner Williams stated the Department of Human Resources' Board has requested Diane Brown be re-appointed. He made a motion to re-appoint Ms. Brown for a six (6) year term to expire 5-15-2016. Commissioner Willingham seconded. Upon a unanimous voice vote, the motion passed.

Discussion concerning Forest Hill Subdivision on County Road 1617 and 1618

Commissioner Willingham stated this is an old subdivision from 1989 on the east side of the County. He requested Fred Penn, County Engineer, to see what improvements are needed to bring the roads in the subdivision to the standards for acceptance into the County's maintenance system.

Consider engineering contract with Municipal Consultants, Inc. for Cullman County Water Accountability Improvements DWSRF Project FS 010135-01

Chairman Graves stated he has spoken with ADEM concerning the contract for engineering services for the replacement of water meters. Commissioner Williams made a motion to approve the contract with Municipal Consultants, Inc. for the Cullman County Water Accountability Improvements DWSRF Project FS 010135-01. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Resolution 2010-47 – Sales Tax Holiday 2010

Chris King from the Sales Tax office stated the holiday will be August 6-8, 2010. The County has participated every year and he feels it is a benefit to the County residents and has very little effect on tax revenue. He recommended approval. Commissioner Williams made a motion to approve the resolution for the 2010 Sales Tax Holiday, August 6-8. Commissioner Willingham seconded the motion. Upon a unanimous voice vote, the motion passed.

Resolution 2010-48 – Set speed limit on County Road 595 at 20 MPH

Resolution 2010-49 - Set speed limit on County Road 596 at 20 MPH

Resolution 2010-50 - Set speed limit on County Road 597 at 20 MPH

Resolution 2010-51 - Set speed limit on County Road 598 at 20 MPH

Fred Penn, County Engineer, stated all roads are located in the Gilleyville subdivision. Area residents have concerns about the speed limit; therefore he recommends setting the speed limit on all roads in the subdivision at 20 MPH. Commissioner Williams made a motion to set the speed limit on County Road 595, 596, 597 and 598 at 20 MPH. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Bid No. 958 – Extension – Service of Sheriff’s Department and other various department vehicles

Gary Teichmiller, County Administrator, stated Texaco Express Lube has agreed to extend the bid for routine service for County vehicles for one (1) year with the same terms and conditions. He recommended extending the bid. Commissioner Willingham made a motion to extend Bid No. 958. Commissioner Williams seconded the motion. Upon a unanimous voice vote, the motion passed.

Discussion of the changing of voting lines for the Grandview voting district - (Resolution 2010-57)

Attorney Willingham stated this has been discussed for some time. A number of voters from Grandview have been moved to the Health Department voting location. These voters have presented a petition requesting they be moved back to Grandview. Precinct line changes have been determined by the road and creek locations to facilitate moving voters back to Grandview. Attorney Willingham recommended making approval of changes to the precinct lines subject to all property owners agreeing, subject to probate court requirements and subject to the Justice Department approval. One of the property owners has obtained the signatures; however Attorney Willingham stated he wanted to look at the petition again.

Commissioner Willingham asked if the Justice Department approval was necessary. Attorney Willingham stated it was more of disapproval than an approval; however since there are no minority residents in the area in question, he does not foresee the Justice Department presenting objections.

Jeff Smith, a voter petitioning to be moved back to Grandview, stated the petition delivered to Attorney Willingham several months ago is complete.

Commissioner Willingham made a motion to change the voting lines for the Grandview voting precinct. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

Discussion on the South Cumberland Water Cooperative appeal

Commissioner Willingham stated, "I asked for this to be put on there. I would just like to thank them guys for stepping up because we feel like there are some injustices preformed on that case there and at this time I would like to make a motion that we join in the appeal also."

Commissioner Williams seconded the motion.

Chairman Graves asked, "When you say "us" you're talking about..."

Commissioner Willingham replied, "The County Commission."

Chairman Graves questioned if it is legal for the Commission to take this action and asked for advice from the County Attorney.

Attorney Willingham stated, "I have not considered it but I think it would require a Commission vote in order to join the appeal. I think it would be a Commission decision to do so. I am not sure what the appeal times are and such as that. I think that the Commission itself could to that."

Chairman Graves asked Attorney Rusty Turner opinion. Mr. Turner stated he believes the time for joining an appeal has passed.

Commissioner Willingham stated that was not his understanding; it is fourteen days.

Mr. Turner stated he would need to look at a calendar to determine if the Commission is within the timeframe for joining the appeal.

Chairman Graves stated, "I am not going to ask for a vote on it at this timeframe because I am not comfortable with doing that. I would be willing to put it on the agenda for a vote at the next Commission Meeting unless you want to recess the meeting until another time to consider it, to get it checked out by the judge and the attorneys involved in it."

Mr. Turner stated it would not be a ruling by the judge, but a matter of looking at the calendar to determine if it is within the timeframe for the Commission to join the appeal to the Alabama Supreme Court.

Attorneys Willingham and Turner discussed that a vote could be taken; however if the joining of the Commission to the appeal is time barred the vote would be void.

Commissioner Williams suggested Commissioner Willingham amend his motion to reflect the Commission joining the GUSC and the South Cumberland Cooperative District in the appeal to the Supreme Court provided today's vote has occurred within the allotted timeframe.

Commissioner Willingham amended his motion for the County Commission to join the appeal pending determination of the timeframe for such action would make the vote legal. Commissioner Williams amended his second to the motion.

Chairman Graves stated he is not in agreement with the action and opposes it and will not participate in the appeal.

The Chairman called for the vote. Commissioners Williams and Willingham voted "aye".

The next NARCOG meeting will be August 25, 2010 at the NARCOG office in Decatur.

NEXT REGULAR COMMISSION MEETING WEDNESDAY, JULY 14, 2010

Due to the run-off election on July 13th, the Commission Meeting Room will be used as a polling place. Therefore, the meeting will be moved to Wednesday, July 14, 2010 at 10:00 a.m. in the Commission Meeting Room.

ADJOURN THE MEETING

Commissioner Willingham made a motion to adjourn. Commissioner Williams seconded. Chairman Graves adjourned the meeting at 10:28 a.m.

James D. Graves, Chairman
Willingham

Commissioner

J. Douglas Williams
Associate Commissioner

Wayne
Associate