

CULLMAN COUNTY COMMISSION MEETING
October 14, 2014

CALL TO ORDER AND WELCOME

Chairman Walker called the Commission Meeting to order at 10:00.

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 Commissioner Hicks. Chairman Walker led the Pledge of Allegiance.

APPROVE MINUTES OF THE SEPTEMBER 23, 2014 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Yarbrough made the motion to approve the minutes from the September 23, 2014 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

PUBLIC COMMENTS

There were no public comments.

NEW BUSINESS

Public Hearing – Vacating County Road 201

Commissioner Yarbrough made a motion to open the public hearing for the vacation of a portion of County Road 201. Commissioner Hicks seconded and the motion passed on a unanimous vote. There were no comments from the public and the County has not received any objection following the advertizing concerning the vacating. Commissioner Yarbrough made a motion to close the public hearing. Commissioner Hicks seconded and the public hearing was closed on a unanimous voice vote.

Resolution 2015-01 – Vacating a portion of County Road 201

Commissioner Yarbrough made a motion to approve the resolution for the vacating of a portion of County Road 201. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Resolution 2015-02 – Amendment to County Personnel Handbook Section 1.3.1 concerning Nepotism

Commissioner Hicks explained the nepotism policy will not affect any current employee or the position they currently hold. All current employees will be “grandfathered” and only new hires will come under the new nepotism policy. Mr. Meherg stated the policy has been posted for the required 10 days for review by department heads and employees. The only change is the addition of the word “granddaughter” to the list of relatives. Commissioner Hicks made a motion to approve the resolution amending the County’s Personnel Handbook, Section 1.3.1 concerning nepotism. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion passed.

Confirm Tax Abatement by the City of Cullman for Reliance Worldwide Corp d/b/a Cash Acme for capital investment of \$50,845

Commissioner Yarbrough made a motion to confirm the City of Cullman’s abatement for Reliance Worldwide Corp d/b/a Cash Acme for capital investment of \$50,845. Commissioner Hicks seconded and the motion carried on a unanimous voice vote.

Consider a waterline installation agreement with the Bethel-Gum Pond Volunteer Fire Department

Chairman Walker explained the waterline project lies in Morgan County but is serviced by the Cullman County Water Department. The lines in the area need upgrading and the Bethel-Gum Pond VFD has agreed to purchase the \$200,000 in materials and the County Water Department will do the installation. Commissioner Hicks made a motion to authorize the Chairman to sign the waterline installation agreement with the Bethel-Gum Pond VFD. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Authorize the Chairman to sign a Release Agreement and Covenant Not to Sue Agreement with Ladd Environmental Consultants, Inc. and David O. McKoy

Mr. Meherg stated in the last commission meeting, the Commission addressed the issue of a lawsuit by Mr. McKoy and voided the pre-court filing agreement between Mr. McKoy, Ladd Engineering and the County. An out-of-court settlement has been reached between Ladd Engineering and Mr. McKoy where Ladd Engineering will relocate the waterline that was installed on his private property. The County is not responsible for any liability; Ladd Engineering will cover all cost of moving the line and damages. Commissioner Hicks made a motion to authorize the Chairman to sign a Release Agreement and Covenant Not to Sue Agreement with Ladd Environmental Consultants, Inc. and David O. McKoy. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Consider amending Section 2.5 of the Health Service Agreement with Cullman Regional Medical Center

Mr. Meherg stated a Health Service Agreement was signed with Cullman Regional Medical Center in June 2014 which required the provider to obtain unlimited liability coverage. Dr. Lyrene has been unable to obtain the unlimited coverage. The amendment to Section 2.5 would require a minimum of one million dollars (\$1,000,000) coverage per occurrence and three million dollars (\$3,000,000) in the aggregate. Cullman Regional Medical Center has five million dollars (\$5,000,000) in liability coverage. Commissioner Yarbrough made a motion to authorize the Chairman to sign the amendment to Section 2.5 of the Health Service Agreement with Cullman Regional Medical Center. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

Consider setting insurance requirements for events held at the Cullman County Parks

Mr. Meherg stated the basic liability insurance requirement for events held at the parks has been two million dollars (\$2,000,000). Some events have been unable to obtain the \$2,000,000 coverage and the premium for some events has been cost prohibitive. The Commission decided that the minimum amount of insurance required should be set at one million dollars (\$1,000,000). However, insurance requirements may be set higher depending on the type of event.

Commissioner Yarbrough inquired if the event liability insurance would release the County from all liability surrounding an event. Mr. Meherg stated event contracts contain a hold harmless agreement and an indemnity agreement which states the County is not responsible for any claims or damage; however this will not prevent a lawsuit from being filed.

Commissioner Yarbrough made a motion to set the minimum amount of liability insurance for park events at \$1,000,000. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

Consider authorizing the personal representative for the estate of Randy Hale to dispose of any portion of his estate as the representative deems advisable

Mr. Meherg explained the estate of Randy Hale was left to the Cullman County Animal Shelter. It consists of a small piece of property in an outlying area of Hanceville, a house trailer and an old car which may not be in working condition. The County does not feel the Animal Shelter can use the property. The will gives his personal representative, Attorney Pam Nail, authority to handle his estate as she deems best. Commissioner Hicks made a motion to authorize the personal representative for the estate of Randy Hale to dispose of any portion of his estate as the representative deems advisable and the proceeds be transferred to the Cullman County Animal Shelter. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Consider authorizing the EMA Director to sign the Alabama Department of Public Health SMORT Grant, CEP-39-QW5-15 (C40118224), for \$23,000 for supplies, equipment and training

Phyllis Little, EMA Director, stated the SMORT grant is a 100% reimbursable grant for supplies, equipment and training. They plan to purchase hazmat suits with the grant. Commissioner Hicks made a motion to authorize the EMA Director to sign the Alabama Department of Public Health SMORT Grant, CEP-39-QW5-15 (C40118224), for \$23,000. Commissioner Yarbrough seconded and upon a unanimous voice vote, the motion carried.

Consider authorizing the Chairman and EMA Director to sign a State Homeland Security Grant, CFDA# 97.067, in the amount of \$17,000

Commissioner Yarbrough made a motion to authorize the Chairman and EMA Director to sign a State Homeland Security Grant, CFDA# 97.067, in the amount of \$17,000. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

Consider authorizing the Chairman to sign the Department of Youth Services (DYS) grant agreement for the Cullman County Youth Advocacy Program for FY-2015 in the amount of \$200,000

Gary Teichmiller, County Administrator, stated the grant from the Department of Youth Services is a 100% grant for counseling and youth services. The County has received this grant for several years and the program is effective. Commissioner Yarbrough made a motion to authorize the Chairman to sign the Department of Youth Services (DYS) grant agreement for the Cullman County Youth Advocacy Program for FY-2015 in the amount of \$200,000. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Authorize payment to ALDOT for \$217,236, project ACOA59759-ATRP(001) ATRIP 22-03-18, for the resurfacing and traffic stripping of County Road 1223 from Hwy 31 to County Road 1242

Jon Brunner, County Engineer, stated the paving project is part of round two of the ATRIP projects. Wiregrass has been awarded the bid for paving. Commissioner Yarbrough made a motion to authorize the payment to ALDOT for \$217,236 for the County's match on project ACOA59759-ATRP(001) ATRIP 22-03-18, for the resurfacing and traffic stripping of County Road 1223 from Hwy 31 to County Road 1242. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Ratify a payment to Sportsman Media for \$8,400 for promoting the Smith Lake Park Bassfest

Commissioner Hicks made a motion to ratify the payment of \$8,400 to Sportsman Media for promotion the Bassfest at Smith Lake. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Chairman Walker to re-appoint Ron Hogue to the Library Board of Trustees for a four (4) year term to expire 9-30-18

Commissioner Yarbrough made a motion for Chairman Walker's re-appointment of Ron Hogue to the Library Board of Trustees for a four (4) year term to expire 9-30-18. Commissioner Hicks seconded the motion and it passed on a unanimous voice vote.

Chairman Walker to re-appoint James R. "Jimmy" Knight to the Duck River Advisory Committee for a three (3) year term to expire 9-11-17

Commissioner Hicks made a motion for Chairman Walker's re-appointment of James R. "Jimmy" Knight to the Duck River Advisory Committee for a three (3) year term to expire 9-11-17. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Consider a request from the Joppa Volunteer Fire Department for \$500 for polling maintenance and operational support

Commissioner Hicks made a motion to approve the request from the Joppa Volunteer Fire Department for \$500 for polling maintenance and operational support. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion carried.

Consider a request for a \$2,400 appropriation for the Guy Hunt Memorial Library

Commissioner Hicks made a motion to approve a \$2,400 appropriation to the Guy Hunt Memorial Library. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Consider request from Juvenile Probation Services for the purchase of a 2015 Chevrolet Tahoe off the State Bid List through Donohoo Chevrolet - Cost \$35,123.10

Mr. Teichmiller, County Administrator, explained the vehicle will be purchased with State funding from the Program & Subsistence Fund. Commissioner Yarbrough made a motion to approve the request by Juvenile Probation Services for the purchase of a 2015 Chevrolet Tahoe off the State Bid List through Donohoo Chevrolet at a cost of \$35,123.10. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Consider surplus of 1999 GMC Dump Truck, VIN # 1GDTUH4C4XJ517412, from the Road Department to be disposed of as scrap

Jon Brunner, County Engineer stated the truck was destroyed in a fire last year and has no real value. Commissioner Yarbrough made a motion to surplus the 1999 GMC Dump Truck, VIN # 1GDTUH4C4XJ517412, from the Road Department to be disposed of as scrap. Commissioner Hicks seconded and the motion passed on a unanimous voice vote.

WORK SESSION

The Commission will hold a Work Session on Thursday, October 30, 2014, at 8:30 a.m. in the commission conference room.

NEXT REGULAR COMMISSION MEETING OCTOBER 30, 2014

Chairman Walker announced the next commission meeting will be Thursday, October 30, 2014, at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Yarbrough made a motion to adjourn the meeting. Commissioner Hicks seconded the motion and the meeting was adjourned at 10:27 a.m.

/s/ _____
Kenneth Walker,
Chairman

/s/ _____
Darrell Hicks,
Associate Commissioner

/s/ _____
Stanley Yarbrough,
Associate Commissioner