

**CULLMAN COUNTY COMMISSION  
SPECIAL CALLED MEETING  
May 20, 2011**

Chairman Graves called the meeting to order at 9:08 a.m.

The County Clerk called the roll. Present were Chairman James Graves, Commissioner Darrell Hicks, Commissioner Stanley Yarbrough and County Attorney Rusty Turner.

The Chairman stated the purpose of the Special Called Meeting was to consider supporting legislation for the Water Shed Management Authority for Cullman County. The Chairman stated since it is a special called meeting, normally “Public Comments” are not allowed. However, since several individuals were in attendance who wished to address the Commission, an exception would be granted. He asked the County Attorney to monitor the time as the County’s Policies and Procedures allow for three minutes for a speaker wishing to address the Commission.

Rusty Turner, County Attorney, addressed the meeting with a brief overview of the proposed legislation. The County Commission is asking the local legislative delegation to introduce a statewide bill to for a water management authority. The original permit for the Duck River project called for a water shed management authority; however since the original permit ten years ago, ADEM, the agriculture department and EPA have enacted legislation which would largely take the place of the functions of a water shed management authority. However, the County and City of Cullman feel a water shed management authority would allow a group of citizen to work with governmental agencies to help preserve the water quality of the Duck River Reservoir. As a summation of the purpose of the water shed management, Mr. Turner referred to page 11 paragraph 15 of the proposed legislation. (Copy attached to the minutes of this meeting)

**PUBLIC COMMENTS**

**Dwight Thompson** presented the Commission with a informational packet and read a portion of the cover letter. (Copy attached to the minutes of this meeting)

**Lydia Haynes** presented a packet (Copy attached) and addressed the Commission stating her opposition to the water shed management authority based on the assertion that “it is one more attempt by the City of Cullman to maintain their monopoly over the supply of water.” She asserted the City of Cullman has “side stepped” the Army Corps of Engineers’ permit with years of unlawful activity.

Ms. Haynes assertion was the City of Cullman can not rely on another governmental agency to do their job. Ms. Haynes referenced her letter of March 21, 2011 to the U.S. Army Corps of Engineers. (Copy attached) Ms. Haynes requested the Commission to reject the proposed legislation.

**Commissioner Hicks** addressed the audience. He stated in the original permit it was required that an authority be appointed. In investigating the permit, there was really no need to appoint an authority. The City’s utility board could have assumed the authority. However, the City, County

and the Utility Board felt it would be better for residents of Cullman County to be in charge of the regulatory authority. The regulations, which will govern the management of the water shed, are regulations which are already in place and are currently being adhered to with regard to agricultural use. Mr. Hicks stated he had much rather have people in the water shed be the regulatory authority than the Utility Board.

Ms. Haynes stated there was a need for the management authority in order for compliance with the permit.

**Daryl Haynes** stated the Army of Corps of Engineers, not the City of Cullman, is over the permit. His concern is once the reservoir is built the water shed authority will have the authority to regulate the quality of the water. Currently, according to the engineers, 90% of the pollutants in the water shed come from agriculture. The water shed management authority will have the authority to remove any polluter from the water shed which means farmers.

Mr. Haynes stated the Corps is considering revoking the permit. Commissioner Hicks stated if the permit for Duck River is revoked the project will be dead and there will be no need for a water shed authority.

Commissioner Hicks made a motion to support the legislation for the Water Shed Management Authority for Cullman County. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Chairman Graves announced a Public Hearing set for Tuesday, May 24, 2011 at 10:00 a.m. regarding the County's participation in the "Clean Sweep" program for tornado debris removal.

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

/s/ \_\_\_\_\_

/s/ \_\_\_\_\_

/s/ \_\_\_\_\_

James D. Graves, Chairman  
Hicks,  
Commissioner

Darrell  
Stanley Yarbrough,  
Associate Commissioner

Associate