

CULLMAN COUNTY COMMISSION MEETING
August 13, 2013

CALL TO ORDER AND WELCOME

Chairman Kenneth Walker called the Commission Meeting to order at 10:00 a.m. and welcomed the visitors.

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 Cherrie Haney. Ben Harrison led the Pledge of Allegiance.

APPROVE MINUTES OF THE JULY 30, 2013 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Yarbrough made the motion to approve the minutes from the July 30, 2013 Commission Meeting; approve appropriations, expenditures, 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.

NEWBUSINESS

Public Hearing concerning the vacating of County Road 14

The Chairman asked if anyone had any comments concerning the vacating of County Road 14. Attorney Meherg stated notices were posted and newspaper advertising was done. Property owners in the area have been notified. Commissioner Yarbrough stated Mr. Deaver has requested the road to be vacated. It is a dead end road and Mr. Deaver owns all the adjacent properties. There were no other comments. Commissioner Yarbrough made a motion to close the public hearing. Commissioner Hick seconded. The public hearing was closed on a unanimous voice vote.

Resolution 2013-46 – Vacating County Road 14

Based on the comments in the public hearing, Commissioner Yarbrough made a motion to approve the resolution vacating County Road 14. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

Resolution 2013-47 – Support for CDBG project for County Road 775

Matt Kinsland from the Economic Development Office explained the funding for the Community Development Block Grant (CDBG) project is through HUD and administered by ADECA. The application is for a Community Enhancement grant with a cap of \$250,000 and is due by August 19th. The project will include the asphalt resurfacing of County Road 775 and the repair of drainage. The total cost of the project is \$336,899. The County's cost will be \$86,899 or about a 25% match since the maximum of the grant is \$250,000. The County will also provide in-kind labor which will include stripping, traffic control, cones and assistance with the drainage issues. Commissioner Hicks made a motion to approve the resolution in support of the CDBG project for County Road 775. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion carried.

Authorize the Chairman and EMA Director to sign the FY 2013 EMPG State Cooperative Agreement

Commissioner Hicks made a motion to authorize the Chairman and EMA Director to sign the FY 2013 EMPG State Cooperative Agreement. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Consider action concerning back compensation to Sheriff Rainey pursuant to Attorney General's Opinion

Mr. Meherg stated he received a request from Champ Crocker, Sheriff Rainey's attorney, concerning back pay. Sheriff Rainey had requested an Attorney General's Opinion concerning the current pay of the Sheriff compared to the pay of the previous Sheriff. The State Auditor had previously stated the cost of living raises the previous Sheriff had received while in office did not convey to the base salary of Sheriff Rainey when he took office. However the AG's opinion states the Sheriff should be receiving the higher pay; therefore the County owes back compensation. The State Auditors have stated that an Attorney General's Opinion will "trump" their opinion on the matter. Sheriff Rainey has agreed to waive the interest based on a previous AG's opinion. There is a two year statute of limitations; however the Sheriff brought this to the attention of the Commission shortly after taking office. This is causing a difference of opinion as to the amount owed Sheriff Rainey. Mr. Meherg stated he and Mr. Teichmiller, County Administrator, have discussed this matter and a determination on the amount the County owes Sheriff Rainey will be presented to the Commission at the next meeting. Mr. Meherg recommended payment to the Sheriff once it is determined how much is owed, taking into account the cost of living raises and the supernumerary deductions.

Commissioner Yarbrough asked if they were approving a dollar amount to be paid. Mr. Meherg stated that today they needed to authorize Mr. Teichmiller to determine the amount of back compensation owed the Sheriff.

Mr. Teichmiller stated the State Auditors around 2001 had determined the Sheriff was not entitled to merit raises but cost of living raises were to be passed on to the next Sheriff. This current AG's opinion states the merit raises were also to be passed on. The Sheriff's term in office does not start until January, so this will need to be factored also.

Commissioner Yarbrough asked if this applied to any elected official. Mr. Teichmiller stated this AG's opinion only applies to the Sheriff.

Commissioner Hicks asked if the State Examiners are in agreement with the AG's opinion. Mr. Meherg stated they have been informed of the opinion and the AG's opinion will supersede their opinion.

Commissioner Hicks made a motion allowing for a determination to be made of the amount of back compensation that is owed to the Sheriff. Commissioner Yarbrough seconded the motion. Upon a unanimous voice vote, the motion passed.

Consider the surplus of the Samuel Aaron property and donating it to the Cullman County Board of Education

Mr. Meherg explained the property was seized by the Sheriff in a drug case and was then given to the County Commission. The property lies contiguous to the Cold Spring School. The Commission wants to surplus the property and donate it to the Board of Education. Commissioner Yarbrough made a motion to surplus the Samuel Aaron property and donate it to the Cullman County Board of Education. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Consider appropriation to the Cold Springs Community Center, Inc. in the amount of \$14,000 contingent upon proof of current non-profit status

Commissioner Yarbrough explained in the donation of the Aaron property in the previous Commission action, the School Board has agreed that a section of the property will be donated to the Cold Springs Community Center for the location of a new community center. The new community center will serve the community as a voting location and a senior center. The current voting location is not readily handicap accessible and the new building will greatly enhance voter's ability to access the facility. Also currently there is no senior center in that section of the county. The new facility will enable senior service to be provided. This will be a great project for the community.

Commissioner Yarbrough made a motion to appropriate \$14,000 to the Cold Springs Community Center, Inc. which will be used for clearing the land and pouring the concrete pad. This would be contingent upon receipt of proof of current non-profit status. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

Consider request from the Baileyton Senior Center for \$1,000 for polling maintenance and operational support

Commissioner Hicks made a motion to approve a \$1,000 appropriation to the Baileyton Senior Center for polling maintenance and operational support. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion carried.

Chairman Walker to appoint Tom Beason to the Solid Waste Authority Board to fill the unexpired term of Donnie Moyer for a term to expire 11-20-2013

Commissioner Hicks made a motion to appoint Tom Beason to the Solid Waste Authority Board to fill the unexpired term of Donnie Moyer for a term to expire 11-20-2013. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Commissioner Hicks to appoint Mike Donaldson to the Solid Waste Authority Board to fill the unexpired term of Dan Stevens for a term to expire 11-20-2015

Commissioner Hicks made a motion appoint Mike Donaldson to the Solid Waste Authority Board to fill the unexpired term of Dan Stevens for a term to expire 11-20-2015. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Commissioner Yarbrough to appoint Jerry Smith to the Solid Waste Authority Board to fill the unexpired term of Ron Clay for a term to expire 11-20-2016

Commissioner Yarbrough made a motion to appoint Jerry Smith to the Solid Waste Authority Board to fill the unexpired term of Ron Clay for a term to expire 11-20-2016. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

Consider granting a variance for Smith Lake RV Resort Subdivision, Phase II, located in District 2 off County Road 202.

Keith Creel, Engineering Assistant, stated the RV Resort has begun selling smaller lots for trailers. All roads in the RV Resort are privately maintained roads. The road in question is a one lane road with up to a twenty five (25) foot right-of-way therefore making it a one-way road. They are asking for a variance on the road width in order to meet the County's Subdivision regulations. He stated and Jon Brunner, County Engineer, concurred that the roads in the RV Resort Subdivision are not being accepted into the county's maintenance system. They will remain privately maintained roads. Commissioner Yarbrough made a motion to grant a variance for Smith Lake RV Resort Subdivision, Phase II, located in District 2 off County Road 202.

Consider approval of proposed plat for Smith Lake RV Subdivision, Phase II, located in District 2 off County Road 202.

Mr. Creel stated with the approved variance the plat meets the County's subdivision requirements. Commissioner Yarbrough made a motion to approve the plat for Smith Lake RV Subdivision, Phase II, located in District 2 off County Road 202. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

Consider approval of \$14,900 by the Road Department for the sandblasting and painting of two fuel tanks and the awning cover by Yeager Sandblasting and Painting

Commissioner Hicks made a motion to approve an expenditure of \$14,900 for the sandblasting and painting of two fuel tanks and an awning covering the pumps by Yeager Sandblasting and Painting. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Extend Bid No. 1115 – Emulsified Asphalt – Ergon, Inc.

Jon Brunner, County Engineer, stated Ergon, Inc. has agreed to extend the bid for emulsified asphalt for one (1) year at the current price. He recommended extending the bid. Commissioner Yarbrough made a motion to extend Bid No. 1115 to Ergon, Inc. for emulsified asphalt. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Bid No. 1147 – Motor Oil – reject and rebid

Mr. Brunner stated three bids were received for motor oil. There was some misunderstanding concerning the bid specs. He recommended rejecting and rebidding. Commissioner Hicks made a motion to reject and rebid the motor oil bid. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

Bid No. 1148 – Cold Laid Plant Mix

Mr. Brunner stated three bids were received for cold laid plant mix, however all bids differed from the specs. He recommended rejecting and rebidding. Commissioner Yarbrough made a motion to reject and rebid for the cold laid plant mix. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Ratify the following personnel actions:

Douglas Davenport	Smith Lake to All Parks
Margaret Eulayon Hadley	Sheriff's Department
Mark Kilpatrick	Sheriff's Department
Durwin Brock	Sheriff's Department
Terry Campbell	Sheriff's Department
Zachary Chrietzberg	Sheriff's Department
Susan Barton	Sheriff's Department
Joseph Woods	Sheriff's Department
Sharon Medland	Reappraisal
Heather Payne	Revenue
Angela Carter	Commission on Aging

Commissioner Hicks made a motion to ratify all personnel action. Commissioner Yarbrough seconded and the motion passed on a unanimous voice vote.

NEXT REGUALR COMMISION MEETING AUGUST 27, 2013

Chairman Walker announced the next commission meeting will be Tuesday, August 27, 2013, at 10:00 a.m. in the commission meeting room.

WORK SESSION

The Commission will hold a Work Session on Tuesday, August 27, 2013 at 8:30 a.m. in the commission conference room.

ADJOURN THE MEETING

Commissioner Hicks made a motion to adjourn the meeting. Commissioner Yarbrough seconded the motion. Chairman Walker adjourned the meeting at 10:23 a.m.

/s/
Kenneth Walker,
Chairman

/s/
Darrell Hicks,
Associate Commissioner

/s/
Stanley Yarbrough,
Associate Commission