

**CULLMAN COUNTY COMMISSION MEETING**  
**September 10, 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 J.L. Parker. Cherrie Haney led the Pledge of Allegiance.

**APPROVE MINUTES OF THE AUGUST 27, 2013 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Hicks made the motion to approve the minutes from the August 27, 2013 Commission Meeting; approve appropriations, expenditures, requisitions and all journal entries to be posted. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**PUBLIC COMMENTS**

There were no public comments.

**OLD BUSINESS**

**Consider approval of payment of back compensation for Sheriff**

Mr. Meherg, County Attorney, stated a response has been received from the State Examiners concerning their opinion on payment of back compensation for the Sheriff. Sheriff Rainey received an AG's opinion which stated the Sheriff pay should be equal to the previous sheriff's pay. The auditor's opinion from Teresa Durrett states back compensation is owed if 1) annual raises given to the previous Sheriff were uniform to all employees and 2) the raise was included at the time the annual budget was approved. Mr. Meherg feels both these criteria have been met. There is a two year statute of limitations, however Sheriff Rainey brought this to the Commission's attention shortly after taking office in 2011. Mr. Meherg also wanted to make the Commissioners aware should the auditors determine that back payment should not have been made, the Commissioners would be personally responsible and made to pay back the money. However, he does not feel like this will be the case. At this time the total amount owed, as of tomorrow's pay, is \$15,510.15. Commissioner Hicks made a motion to approve the payment of back compensation to Sheriff Rainey. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**NEW BUSINESS**

**CARTS Public Hearing**

Joyce Echols, Director of CARTS, stated a public hearing must be held annually concerning the operation of CARTS. Notification of the meeting has run in the newspaper. She gave a report on the annual operations at CARTS. They currently have 37 buses which provide over 40,000 trips annually to local residents. In-house approximately \$250,000 in revenue is generated. The County's appropriation to CARTS is \$464,242 and they also receive 5311 federal funds. Mr. Teichmiller, County Administrator, stated the appropriation for FY-2014 will remain the same as last year. However, over the past few years, federal funding has increased by approximately \$200,000.

Ms. Echols asked if there were any further question or comments concerning the operation of CARTS. There were none. The public hearing was closed.

**Resolution 2013-49 – Authorizing Local Matching Funds for CARTS for FY-2014**

Commissioner Yarbrough made a motion to approve the matching funds for CARTS for FY-2014. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Resolution 2013-50 – Authorizing the Submission of an Application and the Execution of a Contract with ALDOT upon Approval of the Grant Application**

Ms. Echols explained the resolution authorizes the submission of grant applications with ALDOT for federal funds to assist with the operation of CARTS and to execute the contract upon approval of the grant application. Commissioner Hicks made a motion to adopt the resolution for the CARTS application. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion passed.

**Resolution 2013-51 – Adopting the Title VI Plan in Order to Comply with Federal Requirements**

Ms. Echols explained the Title VI Plan is a new requirement of the federal government concerning non-discrimination. It is mandatory that CARTS comply with these federal regulations. Commissioner Hicks made a motion to adopt the Title VI Plan. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Resolution 2013-52 – Authorize the Chairman to sign CARTS Third Party Service Contracts for FY-2014**

Ms. Echols stated CARTS has eleven (11) annual contracts with outside agencies to provide services for their clients. The resolution gives the Chairman authorization to sign the service contracts for FY-2014. Commissioner Hicks made a motion to approve the resolution concerning the third part service contracts. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Authorize the Chairman to sign a software license and services agreement between RouteMatch Software, Inc. and CARTS**

Ms. Echols stated the bid for the software was awarded at the last commission meeting. This will authorize the Chairman to sign the license and service agreement with RouteMatch Software, Inc. Commissioner Yarbrough made a motion to authorize the Chairman to sign the agreement. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**Consider approval of expenditure of \$6,048 for two (2) year data plan with RouteMatch Software, Inc. for CARTS**

Ms. Echols stated the data plan was an alternate expenditure in the bid for software, but was not approved at the time of the awarding of the bid. It will provide GPS coordination for buses in route. Commissioner Yarbrough made a motion to approve the expenditure of \$6,048 for two (2) year data plan with RouteMatch Software, Inc. for CARTS. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Resolution 2013-53 - Authorizing Conveyance of the Samuel Aaron Property to the Cullman County Commission on Education**

Attorney Meherg stated the resolution authorize the issuance of a deed to the Cullman County Commission on Education for the Samuel Aaron Property that was declared surplus in the previous commission meeting. Commissioner Hicks made a motion to approve the resolution conveying the property to the Commission of Education. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Consider a one (1) year agreement with Department of Examiners of Public Accounts for financial audit at maximum cost of \$14,076**

Gary Teichmiller, County Administrator, stated the cost of the annual audit has increased. Since Cullman County receives over \$500,000 in grants, a single federal audit is required. Commissioner Hicks made a motion to approve the one (1) year agreement with Department of Examiners of Public Accounts for the financial audit at maximum cost of \$14,076. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion passed.

**Consider the renewal of a professional services agreement with Syscon for the Probate Office for database server and application software support and authorize the Probate Judge to sign the agreement**

Attorney Meherg explained Syscon has been providing the licensing software for the Probate Office since 2004. Sales Tax also has the authority to link into the system. This will authorize the Probate Judge to sign an extension of a professional service agreement for three (3) years. Commissioner Yarbrough made a motion to authorize the signing of the service agreement with Syscon for database server and application software support. The motion was seconded by Commissioner Hicks and passed on a unanimous voice vote.

**Consider an engineering service agreement with CDG Engineers & Associates Inc. for the Repair and Resurfacing of County Roads 1518 and 38**

Chairman Walker stated the work to be done on County Road 1518 and County Road 38 will be funded by a \$1.5 million 100% Community Development Block Grant (CDBG). However, the County will pay for the engineering work. The grant was obtained by the Economic Development Office through funds available for disaster recovery of the 2011 tornado. The Commission thanked Ms. Haney and her staff for their work on the application process. Commissioner Hicks made a motion to approve the engineering service agreement the CDG Engineers & Associates, Inc. for the repair and resurfacing project. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Consider an engineering service agreement with CDG Engineers & Associates Inc. for Hwy 278 Booster Station Replacement and Trimble Booster Station Upgrade for Water Department**

Chairman Walker explained the County did a bond issue for the Water Department in 2010. Original projects were not done with the bond; therefore remaining fund will be used for the replacement of a pump station on Highway 278 and to upgrade a station in Trimble.

Chuck Chitwood with CDG Engineers & Associates stated the booster station on Highway 278 is approximately forty years old. The building, pump and pipes need to be replaces. The building at Trimble is in good condition; however the pump and pipes will be replaced.

Commissioner Yarbrough made a motion to approve the engineering service agreement with CDG Engineering & Associates, Inc. for the upgrades. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**Commissioner Hicks to re-appoint Jerry Weathersby to the Cullman Area Mental Health Authority for a six (6) year term expiring 4-1-2019**

Commissioner Hicks made a motion to re-appoint Jerry Weathersby to the Cullman Area Mental Health Authority for a six (6) year term expiring 4-1-2019. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Commissioner Yarbrough to re-appoint Jay Mullins to the Duck River Reservoir Oversight Committee for a three (3) year term expiring 9-11-2016**

Commissioner Yarbrough made a motion to re-appoint Jay Mullins to the Duck River Reservoir Oversight Committee for a three (3) year term expiring 9-11-2016. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion carried.

**Commissioner Hicks to re-appoint Dan Scott to the Library Board of Trustees for a four (4) year term to expire 9-30-2017**

Commissioner Hicks made a motion to re-appoint Dan Scott to the Library Board of Trustees for a four (4) year term to expire 9-30-2017. Commissioner Yarbrough seconded. The motion carried on a unanimous voice vote.

**Chairman Walker to re-appoint Gordon Dunagan to the E-911 Board of Commissioners for a four (4) year term expiring 9-1-2017**

Commissioner Hicks made a motion for Chairman Walker's re-appointment of Gordon Dunagan to the E-911 Board of Commissioners for a four (4) year term expiring 9-1-2017. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Commissioner Hicks to re-appoint J.L. Parker to the E-911 Board of Commissioners for a four (4) year term to expire 9-1-2017**

Commissioner Hicks made a motion to re-appoint J.L. Parker to the E-911 Board of Commissioners for a four (4) year term to expire 9-1-2017. As Mr. Parker was in attendance at the commission meeting, Commissioner Hicks thanked him for his service on the Board. Commissioner Yarbrough seconded. Upon a unanimous voice vote, the motion passed.

**Consider approval of a \$500 donation to the Alabama Skywarn Foundation from the EMA training budget for the publishing cost of Alabama All Hazards Awareness booklets**

Phyllis Little, EMA Director, stated the Skywarn Foundation is a non-profit that was set up to promote severe weather awareness across the State. The Cullman County EMA Office has used the material published by the Foundation for the last ten years in public service meetings at schools and when speaking to civic groups on weather awareness. Ms. Little stated this year donations are down to the Foundation. She has funds remaining in her training budget and requested an appropriation of \$500 to the Alabama Skywarn Foundation. Attorney Meherg stated the publication is for public training and does serve a public purpose for the citizens of Cullman County and well as the entire State. Commissioner Yarbrough made a motion to approve a \$500 appropriation to the Alabama Skywarn Foundation from the EMA training budget for the publishing cost of the Alabama All Hazards Awareness booklets. Commissioner Hicks seconded. The motion carried on a unanimous voice vote.

**Resolution 2013-48 – Set speed limit on a portion of County Road 747 at Welts Elementary School at 20 MPH at established hours**

Jon Brunner, County Engineer, stated the Sheriff's Department has requested a speed limit be posted at the Welts Elementary School. He recommended a speed limit of 20 MPH be posted 1,000 feet in each direction from the school during school hours. Commissioner Hicks made a motion to set the speed limit on a portion of County Road 747 at Welts Elementary School at 20 MPH at established hours. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Consider a request from the Alabama Sons of Liberty to hold a rally for the Wounded Warrior Project in the south parking lot on September 14, 2013 from 8:00 to 11:00**

Charles Danley, President of the Alabama Sons of Liberty, stated the Wounded Warrior Project rally is an annual motorcycle ride. They are requesting use of the parking lot as a registration and staging area from 8:00 to 11:00 on Saturday, September 14<sup>th</sup>. Commissioner Hicks made a motion to approve the request to use the south parking lot at the courthouse for the rally. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Consider awarding the following bids:**

**Bid No. 1150 – Computer Equipment**

Joey Martin, IT Director, stated one (1) bid was received from White River Services in Arkansas. The current supplier, Team Coop, did not submit a bid. The bid from White River Services for Dell computer was lower than the current bid the County has in place. He recommended awarding the bid. Commissioner Yarbrough made a motion to award the bid for computer equipment to White River Services. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Bid No. 1151 – Cold Laid Plant Mix**

Jon Brunner, County Engineer, stated three (3) bids were received with Good Hope Contracting submitting the low bid for the cold laid plant mix. He recommended awarding the bid to them. Commissioner Yarbrough made a motion to award the bid for cold laid plant mix to Good Hope Contracting. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion passed.

**Consider the appointment of Jared Hopper as Deputy Inspector for License and Sales Tax**

Mr. Meherg stated the Commission does have the authority to appoint a deputy inspector to have powers pursuant to the code including the ability to write citations and arrest powers. Chris King, Director of Sales Tax, stated there have been two inspectors to retire in the past year. Mr. Hopper has been doing a good job at the Sales Tax Office and he recommended his appointment. Commissioner Hicks made a motion to approve the appointment of Jared Hopper as Deputy Inspector for Sales Tax. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Ratify the following personnel actions:**

Louis Gary Smith	CARTS
Nina England	CARTS
Alan Thrasher	CARTS
Scottie England	Road Department
Randy Hinkle	Road Department
John Davidson	Sheriff's Department
Parish Fitts	Commission on Aging
Megan Hinkle	Sheriff's Department
Dana Bonds	Sheriff's Department
Melissa Brooke Hice	Sheriff's Department

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

**WORK SESSION**

The Commission will hold a Work Session on Tuesday, September 24, 2013 at 8:30 a.m. in the commission conference room.

**NEXT REGULAR COMMISSION MEETING SEPTEMBER 24, 2013**

Chairman Walker announced the next commission meeting will be Tuesday, September 24, 2013, at 10:00 a.m. in the commission meeting room.

**ADJOURN THE MEETING**

Commissioner Hicks made a motion to adjourn the meeting. Commissioner Yarbrough seconded the motion. Chairman Walker adjourned the meeting at 10:29 a.m.

/s/ \_\_\_\_\_  
Kenneth Walker,  
Chairman

/s/ \_\_\_\_\_  
Darrell Hicks,  
Associate Commissioner

/s/ \_\_\_\_\_  
Stanley Yarbrough,  
Associate Commission