

CULLMAN COUNTY COMMISSION MEETING
October 11, 2016

CALL TO ORDER AND WELCOME

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

CALL OF ROLL TO ESTABLISH QUORUM

The County Clerk called the roll; present were Chairman Kenneth Walker, Commissioner Kerry Watson, Commissioner Garry Marchman, County Administrator Gary Teichmiller and County Attorney Chad Floyd. The invocation was given by Chad Floyd. Ella Abbott led the Pledge of Allegiance.

APPROVE MINUTES OF THE SEPTEMBER 27, 2016 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED

Commissioner Watson made the motion to approve the minutes from the September 27, 2016 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

PUBLIC COMMENTS

There were no public comments.

NEW BUSINESS

Proclamation – Domestic Violence Awareness Month

The proclamation proclaiming October as Domestic Violence Awareness Month was read aloud by the County Clerk and presented by the Commission to a representative of Victim Services of Cullman County. Commissioner Marchman made a motion to approve the proclamation. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

Consider Revenue Commission request for Abatement of Previous Year Taxes in Litigation and Insolvents

Commissioner Watson made a motion to approve the abatement of the previous year taxes in litigation and insolvents for the Revenue Department. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Authorize Chris King, Sales Tax Director, to answer a Notice of Appeal filed with the Alabama Tax Tribunal concerning a final assessment of sales tax for May 2013 through April 2016 entered against Joe McEachern Photography, Inc.

Attorney Floyd explained the Sales Tax Department performed an audit and found discrepancies in the amount of taxes owed and amount paid by McEachern Photography, Inc. The company has filed an appeal with the Alabama Tax Tribunal. Mr. Floyd requested authorization to submit an answer on behalf of the County. Commissioner Marchman made a motion to authorize the filing of an answer to the Tax Tribunal. Commissioner Watson seconded and upon a unanimous voice vote the motion passed.

Resolution 2017-01 – Submit Application for Funding Assistance through AEMA Hazard Mitigation Grant Program for Community Safe Room at the OHV Park

Tanya Sears from the Economic Development Office stated application is being made to the Alabama Emergency Management Agency (AEMA) for a community safe room at the OHV Park. The application is due October 14th. Commissioner Watson made a motion to approve the resolution for the application for funding of the safe room at the OHV Park. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Resolution 2017-02 – Resolution in Support of Proposed Constitutional Amendment 3

Attorney Floyd spoke on Resolution 2017-02 and Resolution 2017-03. Proposed Constitutional Amendment 3 is about allowing local citizens to make decisions on local issues. Currently, if there is a vote against a local legislation in the State Legislature, it is put on the ballot for a statewide referendum which determines what will become law in Cullman County. Amendment 3 puts the question of passing local amendments in the hands of local voters. So even if a statewide vote is required, the proposed amendment could only be approved if the local voters support the amendment. In other words, statewide voters could no longer overrule the will of local voters. Commissioner Marchman made a motion to approve the resolution supporting Amendment 3. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

Resolution 2017-03 – Resolution in Support of Proposed Constitutional Amendment 14

Attorney Floyd explained currently, a technical issue with how the Alabama House of Representatives has handled a routine, procedural vote poses a threat to hundreds of local laws statewide. Several local bills would be in jeopardy including the passage of a 2002 ad valorem tax, sheriff's rodeo event; establishment of the Cullman County Community Development Commission (CCDC); authorization for park event payouts and the appointment of a County Superintendent of Education. Amendment 14 would correct this technical issue by affirming all the local laws that have been passed by the Legislature since 1984. Amendment 14 simply affirms the local laws already passed by the Alabama Legislature. Passage of Amendment 14 does not change anything and it does not create any new fees or regulations. If the Amendment fails to pass, the consequences would be long-term and detrimental for all 67 Alabama counties. It could trigger costly lawsuits, back-log the legislative process for years, and cost millions in taxpayer dollars for the Legislature to "re-pass" these vital local laws. Commissioner Watson made a motion to approve the resolution supporting the passage of proposed constitutional Amendment 14. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

Authorize the Chairman and EMA Director to sign an Alabama Homeland Security Grant in the amount of \$10,053 for SMORT training

Phyllis Little, EMA Director, explained the funding is for training of the State Mortuary Operational Response Team (SMORT). Commissioner Marchman made a motion to authorize the Chairman and EMA Director to sign the Alabama Homeland Security Grant in the amount of \$10,053. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Authorize the Chairman and EMA Director to sign an Alabama Homeland Security Grant in the amount of \$5,000 for the Strategic Technology Reserve (STR)

Ms. Little, EMA Director, stated Cullman County EMA maintains the command trailer for the Strategic Technology Reserve (STR) which houses radios, phones and satellite communications equipment. The grant is for maintenance of the unit. Commissioner Watson made a motion to authorize the Chairman and EMA Director to sign the grant for \$5,000 from Alabama Homeland Security. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

Authorize the Chairman to sign Emergency Water Agreements with all systems that connect with the Cullman County Water Department

Chad Floyd, County Attorney, explained, in practice, the plan is currently being followed. The agreements will formalize the current "gentleman's agreement". Eight water systems are involved in the emergency plan: Arley Water Works; Blount County Water Authority, Inc.; East Cullman Water System, Inc.; Johnson's Crossing Water System, Inc.; Garden City Water; VAW Water Systems, Inc.; Walter Water System, Inc. and Water Works and Sewer Board of the City of Hanceville. Commissioner Marchman made a motion to authorize the Chairman to sign Emergency Water Agreements with all systems that connect with the Cullman County Water Department. Commissioner Watson seconded and upon a unanimous voice vote, the motion passed.

Authorize the Sheriff to sign a complaint on behalf of the Cullman County Sheriff's Office seeking a declaratory judgment with respect to a Bobcat Skid Steer T-300

Attorney Floyd explained the Sheriff's Department recovered a stolen Bobcat skid steer. The statute of limitations has expired for criminal procession of the theft. However, there are multiple parties who have claim to the property. The Sheriff is seeking a declaratory judgment from the Circuit Court for the release of the seized equipment. Commissioner Watson made a motion authorizing the Sheriff to sign a complaint with respect to the skid steer. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Consider authorizing the Chairman to sign a Master Software Agreement with Nitorco, Inc. for the Sales Tax Department for software installation, conversion and training at a cost of \$50,000 and monthly maintenance of \$1,500

Chris King, Sales Tax Director, explained the new software is the same as the Revenue Department. This will help streamline operations within the County. Their current software was purchased in 1998 and is extremely outdated. Commissioner Marchman made a motion authorizing the Chairman to sign a Master Software Agreement with Nitorco, Inc. for the Sales Tax Department for software installation, conversion and training at a cost of \$50,000 and monthly maintenance of \$1,500. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

Consider a \$1,000 donation to the WSCC Foundation Scholarship Fund

Commissioner Watson made a motion to donate \$1,000 to the WSCC Foundation Scholarship fund. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

Consider approval for St. John & Associates to map the trails at the OHV Park – Cost \$5,000 (to be paid by sponsors)

Doug Davenport, Park Director, stated St. John & Associates will be re-mapping the trails at the OHV Park. The mapping has not been updated since the park opened and numerous trails have been added. The plan is to eventually have an app developed showing the trails. Sponsorship has been obtained to cover the \$5,000 cost from D&H Cycle, Basch Bros., S&W Powersports, Petro, Vans Sporting Goods and Yamaha. Commissioner Marchman made a motion to approve the mapping project. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

Commission to reappoint Donnie Wilson to the North Alabama Tourism Association for a two (2) year term to expire 9-30-2018

Commissioner Watson made a motion to reappoint Donnie Wilson to the North Alabama Tourism Association for a two (2) year term to expire 9-30-2018. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Consider the purchase from the State Bid List of a Ford Interceptor Utility AWD from Stivers Ford Lincoln Inc. for the Coroner – Cost \$25,148

Commissioner Marchman made a motion to approve the coroner's request to purchase a Ford Interceptor Utility AWD from Stivers Ford Lincoln Inc. off the state bid list at a cost of \$25,148. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

WORK SESSION

The Commission will hold a Work Session on Tuesday, October 25, 2016, at 8:30 a.m. in the commission conference room.

NEXT REGULAR COMMISSION MEETING OCTOBER 25, 2016

Chairman Walker announced the next commission meeting will be Tuesday, October 25, 2016, at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Marchman made a motion to adjourn the meeting. Commissioner Watson seconded and the meeting was adjourned at 10:21 a.m.

/s/
Kenneth Walker,

/s/
Kerry Watson,

/s/
Garry Marchman,

Chairman

Associate Commissioner

Associate Commissioner