

COMMISSION MEETING – March 28, 2005

A regular meeting of the Cullman County Commission was held on Monday, March 28, 2005, at 10:00 a.m., in the Courtroom, 2nd floor. Present were Chairman Wiley Kitchens, Commissioner Doug Williams, and Commissioner Stanley Yarbrough. Chairman Kitchens called the meeting to order and welcomed the visitors. Attorney, Dan Willingham gave the invocation and Chairman Kitchens led the pledge of allegiance.

APPROVE MINUTES OF MARCH 14, 2005 MEETING

Commissioner Yarbrough made the motion to approve minutes of the March 14, 2005 meeting as recorded. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSE, ETC.

Commissioner Yarbrough made the motion to approve appropriations, expenditures, requisitions, travel expense, etc. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

APPROVE ALL JOURNAL ENTRIES TO BE POSTED

Commissioner Yarbrough made the motion to approve all journal entries to be posted. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION NO. 2005-24 – CDBG FUNDING (match)

Mr. Bussman with the Cullman County Water Department announced that Morgan County has agreed to apply for a CDBG Grant in the amount of \$400,000.00. The usual match is \$40,000.00 but in case of an overage they wanted to make sure Cullman County has this covered with a match of \$100,000.00. All this Resolution is doing is obligating the Cullman County Water Department to pay the match on the grant, where Cullman County will be receiving \$400,000.00 for up grades to the County Water System.

Commissioner Yarbrough made the motion to pass Resolution 2005-24. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION 2005-27 - CDBG PROJECT NO. CY-CM-PF-04-003 AWARD BID TO APEL MACHINE

Mr. Bussman stated that the County Water Department had re-bid the Cullman County CDBG project. Some pipe was taken out and the project time was extended. Apel was the lowest at \$486,004.00, Bama Utilities bid was \$656,080.30, Hasting Contractors bid was \$656,034.16 and Speegle Contracting bid was \$657,289.00. Mr. Bussman recommended awarding bid to Apel at \$486,004.00.

Commissioner Williams made the motion to award the Bid to Apel Machine. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

SERVPRO – REMEDIATION UPDATE

Russell Durran, Project Manager for SERVPRO in charge of the remediation work at the former Park and Rec. Bldg. read a letter from Sara Coley with Alley and Associates stating the remediation has been complete and was determined to be successful for the effective removal of the mold contamination. Determination was based upon a visual inspection and results of air and surface sampling conducted on March 21, 2005. Mr. Russell said all equipment is out of the building now. Prior to pulling equipment humidity and temperature test was completed and then turned the HBAC system on and checked Friday afternoon. Everything seems to be performing well. Mr. Russell recommends on a periodically basics maintenance checks the temperature and humidity levels until the building is sold. If the humidity level stays above 65 for sometime you could have some problems. The only other issue that remains is some boxes of documents. What needs to be done with these? The estimated budget figure was for \$37,169.50 total cost for remediation was \$117.18 more but we keep the cost at the estimated amount of \$37,169.50.

ACCEPT PROPOSALS FOR REFINANCING THE SERIES 2000A WATER REVENUE WARRANTS

Mr. Teichmiller stated the interest rates are at a position that the County can refinance these bonds which go thru 2025. Preliminary estimates show the County can save between \$300,000.00 - \$350,000.00. I recommend we take proposals to refinance the water warrants.

Chairman Kitchens said the County is not awarding we are allowing companies to give us their proposals.

Commissioner Williams made the motion to accept proposals. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER APPROVAL OF PRELIMINARY PLAT FOR JOLLY SUBDIVISION LOCATED IN DISTRICT #2

Philip Widner, County Engineer told Commissioner Yarbrough as indicated this is located in District #2 at the end of County Road 204. The County had granted a variance on the speed limit design for this subdivision back in the November 9th meeting. The County granted a 10 MPH design speed variance at that time. They have submitted their preliminary plat based on the 10 MPH design speed variance. Everything seems to be in accordance with that, all curves, verticals and horizontals meet those design perimeters. Also, Dale Bright with St. John and Associates and Mike Short, Engineer on the project is here if anyone has any questions. Everything seems to be in order they have followed all requirements and I recommend we approve this preliminary plat based on the 10 MPH speed variance.

Commissioner Yarbrough made the motion to accept the preliminary plat. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER DONATING OLD CELL PHONES TO VICTIM SERVICES

Chairman Kitchens said these are out dated cell phones that are not being used by the County any longer. Commissioner Yarbrough made the motion to donate the cell phones to Victim Services. Commissioner Williams seconded, and upon voice vote, the motion carried unanimously.

CONSIDER DECLARING PITNEY BOWES POSTAGE MACHINE SYSTEM AS SURPLUS

Mr. Teichmiller stated that at a previous Commission Meeting the County awarded a rental agreement to Pitney Bowes for a new postage machine. Effective January 2006 the present metering system will be obsolete. Mr. Teichmiller said he recommends putting the old machine on Govdeals.

Commissioner Williams made the motion to surplus the Pitney Bowes Postage Machine System. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION NO. 2005-25 – TO ALLOW SHERIFF TO BUY BACK 5 YEARS RETIREMENT TIME

Sheriff Roden said that law requires for me to draw supernumerary retirement at the age of 55 I need to buy back five (5) years of previous service at 6% of current salary. So for the County Commission to allow me to do this it has to be a unanimous decision of the County Commission. At this time I have a check for \$15,940.50 if you agree to accept this I will be glad to hand over a check to the County. This in no way means I can retire earlier than age 55 nor does it mean that I'm not running for Sheriff again. Because I have every intentions to run for Sheriff next year and very proud to be in this position. This is something I need to take care of for myself and for my family.

Commissioner Yarbrough asks if the County would have to make a match on the time Sheriff Roden is buying back. His question was answered that the County did not have to make a match.

Commissioner Yarbrough made the motion for Sheriff Roden to purchase five (5) years of previous service back. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

RESOLUTION NO. 2005-26 – WALTER COMMUNITY CENTER

Chairman Kitchens stated what the County is doing here is giving Walter Community back their property officially.

Dan Willingham, County Attorney replied that Walter Community had conveyed to the County this property several years ago in order to facilitate a project thru the Federal Government Neighborhood Facilities Grant of the United States of America which is actually thru the Secretary of Housing Urban Development. This was to last about 20 years which ended about 10 years ago. They have approach the Commission and ask that the County convey this property back to the Walter Recreation Inc. What this Resolution does is gives the Chairman authority to sign a Warrant Deed back over to them for the Walter Recreation Community Center.

Commissioner Williams made to motion to authorize the Chairman to sign the Warrant Deed. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER AWARDING BID NO. 797 – REINFORCED STEEL

Philip Widner, County Engineer stated this was the first time the County has bid out reinforced steel. This is steel the County uses to build bridges and normally comes under what the bid law allows. But with the price of steel going up I feel like the County needs to bid this item out in case we get into a project that exceeds the bid law because of the increase in price. The County basically uses two (2) different sizes of rebar. We estimated the quantity we would be using and based on these estimated quantities bids was received and I recommend Shelton Steel as the low bidder.

Commissioner Williams made the motion to award Bid No. 797 to Shelton Steel. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER AWARDING BID NO. 798 – PC'S

Joey Martin, Data Processing Manager said right now the County has a PC bid we would like to award to Shea-PC. This vendor currently has the county's bid and was lower bidder.

Commissioner Yarbrough made the motion to award Bid No. 798 to Shea-PC. Commissioner Williams Seconded, and upon a voice vote, the motion carried unanimously.

REJECT BID NO. 799 – PRINTER BIDS

Joey Martin stated that at this time we would like to reject these bids. We found some errors in the bid specifications and would like to rewrite this bid.

Commissioner Yarbrough made the motion to reject Bid No. 799. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

PROPOSAL FOR SHOP PHONE SYSTEM

Laurie Beckhart with Data Processing said the County has a proposal to put in the wiring for the phone system at the new County Shop. I recommend that you accept this proposal so we can get started on this work.

Commissioner Yarbrough asks how long it would take to finish the wiring.

Ms. Beckhart replied that it would take 2-3 weeks to complete.

Commissioner Yarbrough made the motion to accept the proposal. Commissioner Williams Seconded, and upon a voice vote, the motion carried unanimously.

NEXT REGULAR COMMISSION MEETING APRIL 11, 2005

Chairman Kitchens announced that the next regular Commission Meeting will be April 11, 2005 at 10:00 a.m. here in the County Commission Office Conference Room.

PUBLIC COMMENTS

Mr. Curtis Thompson stated he had spoke with Chairman Kitchens and Commissioner Yarbrough about County Road 127 where it dead ends into the lake. We have a man that has bought a trucking company. He runs these trucks in loaded and unloaded and drains them out on the road. He pulls the truck up and washes them out and lets the water drain out. I have called several times to get this stopped. This is no place to have a trucking company. We can't get this stopped, their tearing the road up and it was just paved last year with tar and gravel. Is there anyway we can stop this.

Commissioner Yarbrough said with the help of the County Attorney and County Engineer we can try do something. We can't stop the trucks from going in because there are no regulations in place. We may be able to set a weight limit to keep some of the trucks from entering. I have spoken to the man to see if he can park these trucks somewhere else. I will get back with him to see where he's at with that and try to be alittle more aggressive and try to get these trucks off of this road.

Mr. Thompson said that you can see where liquid drains across the road and in the ditches from hauling frozen chickens. This could turn into something we could get the Health Department involved with.

Commissioner Yarbrough said he would ask the Engineer to go down and look to see if some weight limits could be set.

Attorney Dan Williams ask Mr. Thompson were the trucks being cleaned out in the lake. Mr. Thomas replied their cleaning these trucks out on the road, where his house is on the left he washes these trucks out and then pulls then around and stops on the hill and lets this liquid run out onto the pavement and it goes into the ditches and goes into the lake from there. Mr.

Willingham asks the question what he hauled. Mr. Thompson replied frozen chickens.

Commissioner Yarbrough told Mr. Thompson the County would look back into this and I will try to be alittle more aggressive.

Chairman Kitchens stated he wasn't sure if we could do anything if their business was located here, can we go in and tell a man he can't drive in and out of his business.

Attorney Willingham said that you can control your road systems with weight limits your roads.

Mr. Thompson said if you'll check back you'll find some roads use to have weight limits.

Mr. Widner, County Engineer stated a lot of roads still have weight limits.

Attorney Dan Willingham said that you will see more weight limits on your bridges than County Roads.

Chairman Kitchens stated that weight limits on your bridges has basically determined the weight limit on County Roads.

Phyllis Little, EMA Director announced that one of the new requirements with Federal Grant Funding will be the County is going to have to adopt the NIMS Management System, we have a template I will get to you. This will have to be done by October 1, 2006 to comply. They will be a question on the form asking if the County is in compliance with NIMS requirements. They are some independent study classes and courses on FEMA.GOV that will have to be completed and records to back this up. All Elected Officials and Department Heads along with all Emergency Response persons will be required to take this course. I have the information and we will assist anyone with this course. The course takes less than two (2) hours to complete online. The course cost nothing it's free. If you don't have access to a computer we will make every attempt to assist the Fire Departments or anyone that needs help. This can be done in a classroom, but we will have to get all the materials. This is required to get any type of Federal Funding. Last year thru the EMA Office the County has received an estimated amount of \$500,000.00 - \$600,000.00 in Federal Funding.

Ms. Little stated that if Volunteer Fire Departments do not comply with this they will not be eligible for any type of Federal Funding and that includes Fire Grants.

ADJOURN

Upon a duly made and carried, the meeting was adjourned.

Wiley Kitchens, Chairman

Doug Williams, Commissioner

Stanley Yarbrough, Commissioner