

**CULLMAN COUNTY COMMISSION MEETING**  
**May 20, 2010**

**CALL TO ORDER AND WELCOME**

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

**CALL OF ROLL TO ESTABLISH QUORUM, INVOCATION AND PLEDGE OF ALLEGIANCE**

Charlotte Slatton, County Clerk, called the roll; present were Chairman James Graves, Commissioner Doug Williams, Commissioner Wayne Willingham, and County Attorney Dan Willingham. The invocation was given by Dan Willingham and Randall Shedd led the Pledge of Allegiance.

**APPROVE MINUTES OF THE MAY 12, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Willingham made the motion to approve the May 12, 2010 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Williams seconded the motion, and upon a voice vote, the motion carried unanimously.

**PUBLIC COMMENTS**

**Ms. Joan Cruce** of the Bremen/Brushy Pond area stated that she has observed Marshall Tree Service doing work at the OHV Park for about three weeks. She does not know why the county is using them when the east and west side road departments, from what she understands, has bucket trucks and trimmers and could do the work. She has heard that Marshall Tree Service has charged the county over three hundred thousand dollars.

**Ed Slaten** began his remarks by stating that our nation is headed to become a socialist nation with a dictator; unfortunately, so is Cullman County. This lawsuit has nothing to do with the board. It has to do with Duck River. Mr. Slaten said he has fifty (50) years experience dealing with the water situation. Lake Catoma, if it should go bad, we would be totally out of water; so, common sense tells us we should have an alternate, adequate source of water. That source is Smith Lake. People will lie about that situation. My last comment is that Revelations 21 says that all liars will have their place in the lake of fire and brimstone. The lesson to be learned is that liars need to stop their lying.

**Marshall Brannon** stated that he has done research in the Code of Alabama, 1975, 11-97-23 which states that boards and corporations can dissolve themselves. He believes that is the action that should be taken to stop this water controversy. Then, if they want to call some meetings and get public comments; they can let the public decide. The public is the one who is going to be paying for all this. If you want a cooperative, come up with a true cooperative. Let the people vote for who will be on the board. That's the only way it will be a true cooperative. Mr. Brannon stated that he has read all ninety (90) pages of the document and it is beyond his comprehension how you can come up with this document and all the legal papers without a meeting. Somebody had some meetings, either on the telephone or in person; I don't know how.

**Jackie Satterfield** said that the Commission approved the May 12th minutes a few minutes ago. When you approved them, there was a motion and a second and time for discussions so that if there are errors in the minutes they should be brought out at that time. Once the minutes are approved they become official and what was said in the minutes has taken place, even if it didn't really take place. After approval, the minutes are official.

Mr. Satterfield quoted from the approved minutes of the April 27, 2010 Commission meeting minutes the statement made by Commissioner Williams referring to the GUSC Board or the water board: I think this is a very good idea and I've worked very hard on this for the last year trying to make sure we protect the people of Cullman county and I believe this does that.

Mr. Satterfield addressed his question to Commissioner Williams: Who are these people that you are protecting us from? If you are going to protect the people of Cullman County, we need to know just who you are protecting us from.

Commissioner Williams responded that this section is just for comments, not an answer session, and that he will be glad to meet with Mr. Satterfield after the meeting and answer his questions and those of anyone else.

**NEW BUSINESS**

**Consider approval for purchase of bus by the Commission on Aging through ALDOT 5310 program – 80% federal funds**

Chairman Graves stated there will be a public hearing on this matter at the next Commission meeting in June. If anyone has any questions about the usage of the bus, the Commission will address it at that time. This is simply to notify the public as to what the Commission anticipates doing.

Randall Shedd, Commission on Aging Director, stated that a motion to approve the application is needed. Chairman Graves asked for a motion to approve the application, to be made by the Commission on Aging, for the purchase of a bus through the ALDOT program; 80% will be federal funds; 20% will be matching funds. Commissioner Doug Williams made the motion to approve the application. Commissioner Wayne Willingham made a second to the motion. The motion carried with a unanimous vote.

**Authorize Chairman to sign an agreement with F&O Architects for the design and replacement of exterior of courthouse**

Chairman Graves said that the Commission has talked about this before and he wants to remind people that for some time there have been difficulties with the exterior of the courthouse. The marble is turning loose and beginning to fall off. Engineers, structural engineers and architects have looked at it, conducted more tests, and took some marble slabs down. They found that the deterioration is behind the marble, creating a very dangerous situation. The slabs, some of them several hundred pounds, could fall and injure or kill someone. It behooves us to do something about it before such an incident occurs.

All of the experts agree that something must be done. The Commission is authorizing Frank Fagg of F & O Architects to request bids for removal of the marble exterior of the courthouse and replace that with brick, a much more economical material. That will come about in the very near future. Chairman Graves called for a motion to authorize Mr. Fagg to do this. Commissioner Willingham made the motion to authorize Mr. Fagg to send out for bids for the removal of the marble on the exterior of the courthouse and replace that with brick. Commissioner Williams made a second to the motion.

Chairman Graves asked for discussion. County Attorney Dan Willingham pointed out that he has reviewed the AIA Document submitted by Mr. Fagg and has found the architectural fees to be very good; he also pointed out that the section on arbitration has been marked out, also desirable. Attorney Willingham also pointed out that the contract has a waiver of consequential damages for claims or disputes; this means a lawsuit cannot be brought by either party. Chairman Graves asked if the contractors bidding on the project will be responsible for their own licensing and workman's comp; Mr. Willingham responded yes, this contract is just with the Commission and the architect. Upon a voice vote, the motion passed unanimously.

**Resolution 2010-42 – Agreement with ALDOT for the installation of traffic light at Hwy 278 and County Road 747**

Chairman Graves, addressing Commissioner Williams, stated that there are probably about 5,000 people in that area that have been praying for years for this to be done. Commissioner Williams said that the Department of Transportation, in a surprising move, put this project on the fast track. Several members of the community are in attendance at the meeting today; they have been petitioning ALDOT for several years to have this done. Notification was received Monday that this traffic light will be approved and the light installed very soon. The matching funds amount required of the county is \$35,000.00 dollars and also a maintenance agreement.

Commissioner Williams explained that although the agreement is not in hand, the Commission has signed many traffic light installment agreements with ALDOT; he then made the motion for the commission to approve the resolution and sign the contract with ALDOT. Commissioner Willingham made a second to the motion. Chairman Graves commented that he does not know of another intersection in Cullman County that is as dangerous as this one. Members of the audience applauded. Chairman Graves called for a voice vote and the motion passed unanimously.

**Resolution 2010-43 – Agreement with ALDOT for detour route for bridge repair on AL Hwy 67**

Chairman Graves asked County Engineer Fred Penn to comment. Mr. Penn stated that this is a bridge replacement and is located on the Blount and Cullman County line on AL Hwy 67. There are a few words that need to be changed in the agreement, but Mr. Penn recommends approval of the agreement today. The differences can be ironed out with ALDOT; the project is to be let out for bids in June and work should begin sometime in August or September. Chairman Graves asked if the bridge is located on the Mulberry River, and Mr. Penn responded that it is. The Chairman also asked if there will be detours while the work is being done, and Mr. Penn said that detours will be used.

County Attorney Dan Willingham stated that the language change discussed is to add that ALDOT, due to heavier traffic on the roads used for detour, will return the roads to the county in as good or better shape, with the approval of the County Engineer.

Commissioner Willingham stated that this is basically the same as the agreement passed for the Hwy 31 work. Commissioner Williams said that as long as it has that sentence added, he makes the motion to approve the resolution for the detour. Commissioner Willingham made a second, and upon a voice vote the motion carried unanimously.

**Bid No. 1050 – Pest Control**

Gary Teichmiller, County Administrator reported that two bids were received. Melton Pest Control, who currently has the bid, submitted the low bid at \$1,281.00 per month. He recommended awarding the bid to Melton Pest Control. Commissioner Williams made the motion to award the bid to Melton. Commissioner Willingham seconded the motion. Upon a voice vote the motion carried unanimously.

**Bid No. 1051 – Termite Control**

Gary Teichmiller, County Administrator, reported that Cook's Pest Control, who currently has the bid, submitted the only bid; the annual amount is \$15,476.00. Commissioner Williams made the motion to award the bid to Cook's; Commissioner Willingham made a second to the motion and upon a voice vote, the motion carried unanimously.

**Bid No. 1052 – Traffic Striping**

Fred Penn, County Engineer, said the low bidder is J. C. Cheeks. They have had the bid in the past, although not last year, and have done a very good job. Mr. Penn recommended awarding the bid to J. C. Cheeks. Commissioner Willingham made the motion to award the bid to J. C. Cheeks for traffic striping. Commissioner Williams made a second to the motion and upon a voice vote, the motion carried unanimously.

**Bid No. 1053 – Aggregate**

Fred Penn, County Engineer, explained that in the past the aggregate bid has been awarded to everyone who bid; whoever is closest to the work site can be called as the hauling fees are factored into the cost. Commissioner Willingham made the motion to award the bid to all bidders. Commissioner Williams made a second to the motion and upon a voice vote the motion passed unanimously.

**Reject Bid 1054 – Two (2) or more zero turn mowers**

Chairman Graves called for a motion to reject the bid and then have discussion. Commissioner Willingham made the motion to reject Bid 1054. Commissioner Williams made a second to the motion. Chairman Graves asked if there is any discussion. A member of the audience asked why the bid is rejected. Commissioner Williams stated that buying two mowers is more than the budget allows. The bid calls for two or more and we did not realize how expensive they were going to be. The bid will be put out again later. Someone asked if the specifications will be different. The Commissioners stated that the specifications will remain the same, but the number specified will be one or more. Everyone on the bid list will receive a bid invitation. With no further discussion, a voice vote was taken and the motion to reject Bid 1054 passed unanimously.

## **Public Announcements**

### **Repair work on Highway 31 will begin June 1**

Chairman Graves stated notification has been received that the work on Hwy 31N will begin on June 1, 2010. This means Hwy 31 will be closed to traffic at the top of Lacon until the work is done, approximately in a year, possibly less. It is possible the work will not begin until July as there are still some power lines that have to be moved. ALDOT will be placing signs to redirect traffic to Old 31 Hwy. Traffic, trucks and heavier traffic, will not be able to go on Hwy 31 to access the interstate; they will be directed to access the interstate from AL 157. Local (light) traffic on Hwy 31 north of Hwy 157 will be directed to County Road 1223 by the Skating rink which is Old Hwy 31 that comes out at the bottom of Lacon near the flea market. A temporary access to the interstate will be built near the overpass at County Road 1223; this road will be for emergency use only. All of this will have to be done before work can begin. All this will be announced in the paper when it takes place.

### **Notification appeal for major disaster declaration has been denied by FEMA**

Chairman Graves explained that this is a request submitted some time ago not only by Cullman County, but surrounding counties also. Cullman County's damage estimates totaled about 5 million dollars. The first request was denied by FEMA. Inquiries were made and Commissioner Willingham went to Washington to speak with the congressional delegation. He asked them to intercede with FEMA on behalf of Cullman County. FEMA did more studies and after consideration, notified us this week the appeal for funds is denied. Commissioner Willingham stated that twelve counties are involved. This is a huge area where flooding occurred and freezing temperatures caused the roads to buckle. The Chairman said that since the funds have been denied again, the roads may have to stay gravel for a while as funds are not available for paving so many roads.

One of the guests at the meeting asked if the denial of funds was for all twelve (12) counties. The Chairman said that is correct. Commissioner Willingham stated that it was "all or nothing" and added that \$3 Billion can be sent overseas to rebuild the towns that were bombed.

### **Memorial Day Service will be held Saturday, May 29, 10:00 a.m. at the Sportsman Lake Veterans Park**

Chairman Graves reminded everyone that although Memorial Day is May 31st, the Memorial Day services will be held on Saturday, May 29th at the new Veterans Park at Sportsman Lake at 10:00 a.m. Chairman Graves invited the public to visit the new park to see how exceptionally nice it is, and to remember that the work on the park is still in progress. Permanent seating will be built in an amphitheater and a wrought iron fence will be installed. Funds are being received every day to help in the completion of the Veterans Park. It is a fitting tribute to the veterans who have sacrificed so much. He also said that May is the traditional decoration month and invited anyone who has a loved one who lost their life in any war to place flowers at the monuments if they wish to. Flowers left there will be allowed to remain until it is necessary to remove them.

### **Public Hearing on the purchase of a bus for Commission of Aging will be held on June 15, 2010**

Chairman Graves said notice of the public hearing has to be advertised for three weeks. On June 15, 2010, the next Commission meeting, comments from the public will be heard before a final decision is made.

### **Commissioner Williams' pending trip to China**

Commissioner Williams said he will be leaving in about two weeks on an economic trip to China. He is one of about 25 people selected from across the state to go on a scholarship through Troy University to China. His job will be to introduce Cullman to the Chinese, not for us to buy their products, but for them to buy products from us. The Chamber of Commerce has been working hard to get a list together of businesses and companies in Cullman that produce things and sell things for him to take over there. Even people or businesses who are not Chamber members may contact the Chamber and let them know of products they have and can be included on the list. Commissioner Williams said he is very excited about Cullman County being selected for representation on this trip; he is also excited that he was selected to represent Cullman County and to introduce products made here. Hopefully, this will put up a brand new market for Cullman County and open up new world trade.

### **The next NARCOG meeting will be June 4, 2010 at the Cullman County Commission on Aging building.**

Chairman Graves stated that June 4th is also the Senior Day at Sportsman Lake Park. Because the Senior Day is an event attended by senior citizens from Lawrence, Morgan, and Cullman counties, the NARCOG meeting will be held here in Cullman instead of Decatur. All three Commissioners are NARCOG members and have asked the NARCOG board to alternate Senior Day in the park between the three counties. We want the people to come into Cullman, eat at the restaurants, shop, and enjoy what Cullman has to offer.

### **NEXT REGULAR COMMISSION MEETING TUESDAY, JUNE 15, 2010**

Due to the Commissioners being out of town, the next Commission Meeting will be Tuesday, June 15, 2010 at 10:00 a.m. in the Commission Meeting Room.

### **ADJOURN THE MEETING**

Commissioner Willingham made a motion to adjourn. Commissioner Williams seconded. Chairman Graves adjourned the meeting at 10:40 a.m.

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James D. Graves, Chairman

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J. Douglas Williams  
Associate Commissioner

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Wayne Willingham  
Associate Commissioner