

**CULLMAN COUNTY COMMISSION MEETING**  
**June 15, 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 Mac Buttram. John Sellers led the Pledge of Allegiance.

**APPROVE MINUTES OF THE MAY 20, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Chairman Graves asked for a motion to approve the minutes of the May 20, 2010 meeting, approve the appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Williams made a motion to “approve the minutes with the stipulation that they are not a true and accurate copy of everything that goes on in the meeting, never have been, but they have always been accepted; approve appropriations; expenditures, I have some constituents who have questioned some, so I would like to hold out some expenditures for tree trimming services and the other requisitions, travel expenses and approve journal entries.”

Commissioner Willingham seconded.

Attorney Willingham asked Commissioner Williams for clarification on part of the motion concerning the approval of the minutes, “I’m not sure that’s an approval of the minutes per se. If I understand what you are saying Doug, they are typed but that is not depiction of everything that happened. But you are approving the minutes?”

Commissioner Williams affirmed his motion was to approve the minutes.

Chairman Graves stated if the expenditures are not approved, then further county business can not be conducted.

Attorney Willingham stated “budgeted expenditures could continue, but if you are not approving these expenditures...”

The Chairman completed the thought, “we can not go forward with other expenditures. I have to put a hold on it.” He asked the associate commissioners if they wanted to recess the meeting to consider approving the expenditures.

Commissioner Williams stated he only wanted to question the expenditures he had been asked to look at and he has not had an opportunity to do so before this morning’s meeting. He would approve the other expenditures.

Chairman Graves stated all expenditures need to be approved or the meeting recessed in order to give time to obtain the approval of the associate commissioners saying, “If we can’t approve our expenditures now, we have to put a hold on all expenditures of the County.”

Attorney Willingham stated, “You would have to state specifically which ones are approved or not approved.”

Commissioner Williams stated, “That’s what I’m doing. The tree trimming service, the contractor has been questioned and I want to look at it and see what it is. That’s the only one I am holding out.”

The Chairman stated he would freeze all accounts payable and payroll until expenditures are approved since the expenditures in question where a valid bid that had been awarded.

Commissioner Williams stated his motion is not to not pay all the other bills; it is to pay the other bills.

Attorney Willingham stated in his opinion other bills could be approved with the exception of the bill for tree service which is the only one in question. Chairman Graves asked for an opinion from Attorney Rusty Turner. Attorney Turner asked Commissioner Williams what his question is concerning the tree trimming bill.

Commissioner Williams stated, “It has been questioned to me how much has been expended on it that I don’t know anything about. I want to answer the constituent’s questions.”

Attorney Turner asked if it is an expenditure that has been approved before. Chairman Graves replied, “It has been for the last year. It is a legitimate bid that was awarded to a contractor for work being done. You can get a copy any time from the accounts payable clerk to look at and bring it in for the Commissioners to reconsider.” The Chairman suggested waiting till this afternoon to approve the expenditures in a recessed meeting.

Commissioner Williams stated he had other meetings to attend and would not be able to reconvene. He restated, “My motion is to pay all the expenditures, appropriations, requisitions, travel expenses and journal entries, except for that one, until we have time to review it.”

Commissioner Willingham stated, “That was my second.”

Chairman Graves stated he did not believe all expenditures were current and the expenses for Commissioner Williams’ trip to China were not included.

Attorney Willingham asked if the motion was to approve expenditures already in.

Chairman Graves asked, “So you’re talking about future expenditures?”

Commissioner Williams answered, "I want to look at those expenditures and see what they're for and how much they were for. That was the question brought to me by several constituents."

Commissioner Willingham, "Marshall's Tree Service."

Chairman Graves asked, "But if you are talking about those that have already been paid?"

Commissioner Williams answered, "No, I want to look at those that have been paid, but those have already been paid. Those are not a problem."

Chairman Graves stated, "I don't know of any that are on hold. Any that have not been paid as of today will have to wait until the next commission meeting on the 24th of June. If we are talking about that, anything not paid as of today will be held until the 24th of June for approval."

Commissioner Williams stated, "That can be approved on that date. We just need time to review them and see what they are and I've had a question on them and that's the only expenditure I'm asking we don't pay."

Chairman Graves stated, "OK, anything from today forward will not be paid for Marshall's Tree Service until the next commission meeting until you have reviewed it."

Commissioner Williams, "Correct."

Chairman Graves responded, "OK, I have no problem with that. That's understood."

There being no further discussion, on a unanimous voice vote, the minutes of the May 20, 2010 Commission Meeting, the appropriations, expenditures, requisitions, travel expenses and journal entries were approved.

#### **PUBLIC COMMENTS**

**Ed Slaten**, a resident of Morgan County, complained that the PA system in the meeting room is inadequate and the audience can not hear. He stated he has been to Birmingham to talk with a representative of Alabama Power Company concerning their withdrawal of the application from the Cullman County Water Department for withdrawal of water from Smith Lake. He was told that due to the pending litigation surrounding water in Cullman County, the application would not be sent to the Federal Energy Regulatory Commission (FERC). He said, "It is time to stop the stupidity. Smith Lake needs to be the source of the water. Anybody should know it is the only thing that would be adequate in case of drought. And all this lawsuit amounts to is willful and reckless endangerment." He threatened a class action lawsuit against everyone involved with the decisions concerning water if the County ran out of water.

**William Herfurth** requested the Commission publish the proposed contract with the City of Cullman on the Duck River Reservoir project along with the current contract the County has for the purchase of water. He requested time be given for public comment before the agreement is signed. Chairman Graves said that could be done.

Mr. Herfurth thanked Commissioner Willingham for the work being done on County Road 258.

**Bill Warren**, a resident of County Road 244, inquired about the possibility of a noise ordinance for the County. The County Attorney informed him the County does not have the ability to enact laws like a city does; that must be done by legislative act and referred him to Senator Little and Representatives Oden and Fields.

**Phyllis Little**, EMA Director, reminded the public that Highway 31N at Lacon has been closed, to all but local traffic, for repairs and I-65 must be used as the detour route. She also informed the Commission she will be in Baldwin County for the next 10 days working with Baldwin County and State EMA on the oil disaster in the Gulf. BP will be picking up the cost of her salary and expenses.

#### **NEW BUSINESS**

##### **Perry Macon will report on the 2010 Census.**

Mr. Perry Macon from the U.S. Census Department had requested to be on the agenda to report on Cullman County's participation in the census. However, he was not in attendance.

##### **John Sellers, Parks Department, to address the Commission on county parks receiving designation as National Recreation Trail Parks.**

Mr. Sellers reported application was made in November 2009 to the U.S. Department of Interior to have the recreation trails of the Cullman County Parks incorporated into the 12,500 miles of recreation trails system. Three parks have received the designation by the National Park Service as part of the National Recreation Trail System. Included in the designation are 10 miles of trails in Sportsman Lake, 5 miles at Smith Lake Park and 150 miles at the Stony Lonesome OHV Park. This year nine parks in Alabama received this award with Cullman County receiving three of those. Although this will not guarantee funding, this designation will enable Cullman County's grant applications to receive priority status for consideration.

##### **Revenue Commissioner, Barry Willingham, will present the credits, insolvents, and supplements for 2009 property tax.**

Barry Willingham, Revenue Commissioner stated this is the first step in presenting the credits, insolvents, and supplements to the state. All items are in balance.

##### **Public Hearing on the purchase of a bus for the Commission on Aging**

Chairman Graves stated the purchase of the bus for the Commission on Aging will be through a grant from ALDOT. It will be a 15 passenger bus with wheelchair access to be used strictly by seniors. There were no public comments.

The Chairman reminded the public of CARTS transportation that is available to all citizens in Cullman County, not just the elderly.

**Approval of the resolution for the grant for the purchase of the bus for the Commission on Aging and authorize the Chairman and Director of the Commission on Aging to sign all documents.**

Commissioner Williams made a motion to authorize Chairman Graves and Randall Shedd, Director of the Commission on Aging, to sign all grant documents for the purchase of the bus for the Commission on Aging. Commissioner Willingham seconded. Upon a unanimous voice vote, the motion passed.

**Consider approval of Host Agreement with NARCOG for Senior Employees**

The Chairman explained the Senior Employee program is federally funded. The program is administered by NARCOG and employs individuals over age 55 that fall within certain income guidelines. The two year period of employment is designed to give seniors an opportunity to develop job skills. A number of public and private agencies use this program and the County Commission serves as the host for Cullman County. Commissioner Willingham made the motion to approve the host agreement with NARCOG. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

**Consider surplus of various items from Commission on Aging to be donated to NARCOG for yard sale**

Chairman Graves stated there are various unneeded items from the Senior Center to be donated to NARCOG. These will be offered for sale to other counties through NARCOG with the proceeds going back into NARCOG programs. Commissioner Willingham made a motion to donate the various items to NARCOG. Commissioner Williams seconded. The motion passed upon a unanimous voice vote.

**Discussion of the agreement between the Cullman County Commission, the Board of Education, and V.A.W. Water System, Inc. regarding water line to Harmony School.**

Chairman Graves stated the entities involved in the project, the Commission, Board of Education and V.A.W. Water, have met and agreed to a waterline to be run from the V.A.W. water tank at Jones Chapel to Harmony School in order to provide adequate water pressure for the school's sprinkler system. The County has requested letters from the engineer and the state fire marshal with assurance that a 12" waterline will provide adequate water pressure to activate the sprinkler system. The cost for the \$600,000 project will be shared equally between the three entities with the monies being placed in escrow before the project begins. Chairman Graves reminded Attorney Willingham to contact the Board of Education to determine if the necessary letters were in hand.

**Authorize the Chairman to sign the sub grant award documents concerning the Byrne JAG Justice Assistance Grant Program-2009: Sheriff's Office Video Surveillance 9-DJ-01-126. Amount: \$16,468.00**

Buchanan Jackson from the Economic Development Office stated the \$16,468.00 is additional funding the County has received through the Byrne JAG Assistance Grant for funding of 2009. Commissioner Williams made a motion to authorize the Chairman to sign the sub grant award documents. Commissioner Willingham seconded, and upon a unanimous voice the motion passed.

**Public Hearing for the 2010 Byrne JAG Justice Assistance Grant Program**

Mr. Jackson stated this is a federal grant. The County is only required to apply in order to receive the \$16,919.00 formula grant. Rob Cook from the Sheriff's Department stated the grant will be used to purchase tazers with video capability. There were no public comments.

**Resolution 2010-46 – Authorize the Chairman to sign the application for the Byrne Memorial Justice Assistance Grant**

Commissioner Williams made a motion to authorize the Chairman to sign the resolution for the application for the 2010 Byrne JAG Justice Assistance Grant. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

**Authorize the Chairman to sign agreements with Delta Computer System, Inc. for software support for the County Commission Office and the Revenue Department**

Joey Martin, Director of IT, stated this is the standard maintenance agreement for the Delta software for the Commission Office and the Revenue Department. The cost is up slightly over last year. Commissioner Williams made a motion to authorize the Chairman to sign the agreement with Delta Computer Systems, Inc. Commissioner Willingham seconded, and upon a unanimous voice vote, the motion passed.

**Consider a request for a donation from the Simcoe Community Center for \$1,000.00.**

Chairman Graves stated the Simcoe Community Center, a voting location, has requested \$1,000.00 for building repairs. Commissioner Willingham made a motion to donate the funds to the community center. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

**Resolution 2010-44 – Vacating a portion of Tallyho Street**

Attorney Dan Willingham stated the portion of the street to be vacated is described in the resolution. All property owners have requested the vacating and the public hearing has been held. Commissioner Williams stated he has also met with the property owners. He made a motion to vacate a portion of Tallyho Street. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

**Resolution 2010-45 – Set speed limit on County Road 1071 at 30 MPH**

Fred Penn, County Engineer, stated this is a cut-off road in the Corinth community between County Roads 1101 and 1069; he recommended setting the speed limit at 30 MPH. Commissioner Willingham made a motion to set the speed limit on County Road 1071 at 30 MPH. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

**Bid No. 1055 – Computer Equipment**

The Chairman stated Bid No. 1055 will not be opened until 2:00 p.m. this afternoon; however it needs to be awarded before the next commission meeting. Joey Martin, IT Director, stated at this time two bids have been received. Commissioner Williams made a motion to authorize the Chairman to sign the lowest bid once they are opened. Commissioner Willingham seconded. Upon a unanimous voice vote, the motion passed.

(At the bid opening, there were two bids. Reason submitted an incomplete bid; therefore the bid was awarded to I.S. Corporation.)

**PUBLIC ANNOUNCEMENTS**

**Spring Clean-Up totals**

Chairman Graves stated for a number of years during the month of May the County has offered the “Free Day at the Dump” program where citizens receive a certificate to dump trash at the county landfill. This year 653 tons of unwanted items were brought for disposal. He also reminded the public the Sanitation Department will pick up large items, such as refrigerators, washing machines or sofas free of charge; however you must call and make arrangements for the curbside pickup.

**Alabama Power Letter 6-3-10 Smith Lake Water Withdrawal application**

Chairman Graves stated a letter has been received from Alabama Power suspending the County’s application for withdrawal of water from Smith Lake due to the pending litigations.

The next NARCOG meeting will be August 25, 2010 at the Decatur office of NARCOG.

**NEXT REGULAR COMMISSION MEETING THURSDAY, JUNE 24, 2010**

Due to the Commissioners being out of town, the next Commission Meeting will be Thursday, June 24, 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 10:42 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