

**CULLMAN COUNTY COMMISSION MEETING**  
**November 10, 2010**

**CALL TO ORDER AND WELCOME**

Following the 10:00 a.m. swearing in of Darrell Hicks as Associate Commissioner, Place 1 and Stanley Yarbrough, Associated Commissioner, Place 2, by Judge Greg Nicholas, Chairman James Graves called the Commission Meeting to order at 10:09 a.m. in Judge Kim Chaney's courtroom.

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

Charlotte Slatton, County Clerk, called the roll; present were Chairman James Graves, Commissioner Darrell Hicks, and Commissioner Stanley Yarbrough. The invocation was given by State Representative Mac Buttram. Ken Brown led the Pledge of Allegiance.

Following the making of photos, the Chairman invited the public to a reception in the Commission Meeting Room. Commissioner Yarbrough made a motion to recess the meeting until 2:00 p.m. Commissioner Hicks seconded. The Chairman recessed the meeting at 10:16 a.m.

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James D. Graves, Chairman

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Darrell Hicks  
Associate Commissioner

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Stanley Yarbrough  
Associate Commissioner

**CULLMAN COUNTY COMMISSION**  
**RECESSED MEETING**  
**November 10, 2010**

Chairman Graves called the recessed meeting to order at 2:00 p.m. in the Commission Meeting Room.

**APPROVE MINUTES OF THE OCTOBER 26, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Hicks made the motion to approve the October 26, 2010 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**PUBLIC COMMENTS**

Chairman Graves requested the public, unless an issue was urgent, to hold comments for the next Commission Meeting. There were no public comments.

**NEW BUSINESS**

**Set the dates and times for Commission Meetings**

It was determined the Commission would continue to meet on the second and fourth Tuesdays each month at 10:00 a.m. Commissioner Yarbrough made a motion to set the time and date of the commission meetings. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Remove commissioners Doug Williams and Wayne Willingham from all County bank accounts**

Commissioner Hicks made a motion to remove the previous commissioners, Doug Williams and Wayne Willingham, from all County bank accounts. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

**Add commissioners Darrell Hicks and Stanley Yarbrough to all county bank accounts**

Commissioner Yarbrough made a motion to add the new associate commissioners, Darrell Hicks and Stanley Yarbrough, to all County bank accounts. Commissioner Hicks seconded the motion. Upon a unanimous voice vote, the motion carried.

**Resolution 2011-07 – Authorize Chairman to sign agreement with ALDOT for Clarkson Bridge restoration project**

Chairman Graves stated the project has been ongoing for a number of years. Approximately \$700,000 in grant money is set aside for the project. The bridge is to be disassembled, repaired and reassembled. Commissioner Yarbrough made a motion to authorize the Chairman to sign the agreement with ALDOT for the Clarkson Bridge restoration. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Resolution 2011-08 – Appoint County Attorney**

Chairman Graves stated Dan Willingham has been the County Attorney for a number of years. Commissioner Hicks made a motion to adopt the resolution appointing Culpepper & Turner as the county attorneys with Wells R. "Rusty" Turner as the principal attorney. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Resolution 2011-09 – Terminate the services of the law firm of Johnston, Barton, Proctor and Rose**

Chairman Graves read the resolution to terminate the services of the law firm of Johnston, Barton, Proctor and Rose who were instrumental in the formation of the GUSC and SCCD boards for water. Commissioner Hicks made a motion to approve the resolution to terminate the law firm. Commissioner Yarbrough seconded the motion. Upon a unanimous voice vote the motion passed.

**Resolution 2011-10 – Resolution regarding current ongoing litigation**

Rusty Turner, County Attorney, stated the resolution is a request for the trial court and the Supreme Court to realign Cullman County from a party defendant to a party plaintiff. This will put the Commission in a position to retain and preserve the assets of the water department. Commissioner Yarbrough made a motion to adopt the resolution. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**Resolution 2011-11 – Invalidation of the purported transfer of county property**

Chairman Graves read aloud the resolution. Commissioner Yarbrough made a motion to adopt the resolution. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

**Resolution 2011-12 – Authorize certain actions with respect to a retail development by Jim Wilson & Associates, LLC**

Chairman Graves stated the development of a new 500,000 square foot shopping area on the north side of town is being discussed. It would include various retail stores and restaurants. The resolution authorizes the County to move forward with issues surrounding the development. Commissioner Yarbrough made a motion to adopt the resolution. Commissioner

Hicks seconded. Upon a unanimous voice vote, the motion carried.

**Approve the signing of the Water Purchase Agreement with the City of Cullman**

Chairman Graves stated the water purchase agreement with the City of Cullman is dated November 1, 2010. The terms of the agreement continue in effect until November 1, 2040. The motion today will be to approve the water agreement. The official signing will take place on November 16. Commissioner Hicks made a motion to approve the signing of the water purchase agreement with the City of Cullman. Commissioner Yarbrough seconded the motion which passed on a unanimous voice vote.

**Barry Willingham, Revenue Commissioner, to discuss proposal for aerial photography**

Revenue Commissioner Barry Willingham stated in August 2010 the proposal was discussed in the Commission Meeting. However, since that time concerns have been raised about some of the companies involved. Therefore, all proposals for the professional services were rejected. Five new proposals have been received ranging from \$292,041 to \$98,000. Commissioner Willingham stated he has checked with the Alabama Department of Revenue and the lowest price does not seem reasonable for the work he expects to be done. He recommended accepting the proposal from G-Squared for \$172,500 contingent on the review by the county attorney.

Commissioner Yarbrough asked if there was information on the company which submitted the lowest cost. Commissioner Willingham stated the Department of Transportation has used the company and the work was not satisfactory.

Commissioner Yarbrough made a motion to award the aerial photography project to G-Squared. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

**Approve the pre application to the FAA for land acquisition for airport development**

Bob Burns, Airport Manager, stated the grant is 95% funded by the FAA, 2.5% by the State, with a 1.25% match by the City of Cullman and the County. Commissioner Yarbrough made a motion to approve the pre application to the FAA for the airport land acquisition. Commissioner Hicks seconded the motion which carried on a unanimous voice vote.

**Surplus vehicles and equipment from the Westside Road Department**

Chairman Graves stated there are a number of items that have no value and are considered "junk". Commissioner Yarbrough made a motion to surplus various vehicles and equipment from the Westside Road Department. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion carried.

**Discussion of personnel issues in Executive Session**

Commissioner Hicks made a motion to go into executive session to discuss personnel issues. Commissioner Yarbrough seconded the motion. The Commission went into executive session at 2:17 p.m.

The Commission reconvened at 2:32.

Rusty Turner, County Attorney, stated a decision has been made to indefinitely suspend David Bussman, Water Department Manager, without pay, pending an investigation of the water department. Commissioner Yarbrough made a motion for the suspension. Commissioner Hicks seconded. The motion carried on a unanimous voice vote.

The next NARCOG meeting will be November 17, 2010 at the Decatur office of NARCOG.

**NEXT REGULAR COMMISSION MEETING TUESDAY, NOVEMBER 23, 2010**

Chairman Graves announced the next commission meeting will be, Tuesday, November 23, 2010 in the Commission Meeting Room.

**ADJOURN THE MEETING**

Commissioner Hicks made a motion to adjourn the meeting. Commissioner Yarbrough seconded. Chairman Graves adjourned the meeting at 2:36 p.m.

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James D. Graves, Chairman

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Darrell Hicks  
Associate Commissioner

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Stanley Yarbrough  
Associate Commissioner