

CULLMAN COUNTY COMMISSION MEETING
April 28, 2015

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 and County Attorney Heath Meherg. The invocation was given by James Fields. Ben Harrison led the Pledge of Allegiance.

APPROVE MINUTES OF THE APRIL 14, 2015 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Watson made the motion to approve the minutes from the April 14, 2015 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Chairman Walker seconded the motion. Chairman Walker and Commissioner Watson voted "aye". Commissioner Marchman abstained. The motion passed on a majority vote.

PUBLIC COMMENTS

Josh Speakman addressed the Commission concerning the transfer of Delitha Marchman as manager of Sportsman Lake Park to the Safety Department. He presented the Commission with a letter outlining concerns and issues. (*See Attachment*) He stated he would like to meet with the commissioners. Chairman Walker asked what he wanted to meet about. He stated it was about the way Ms. Marchman has been treated as an employee. Chairman Walker stated there was a position open and she applied for it. Commissioner Watson asked if there was a problem with her applying for a position. Mr. Speakman stated he did not have a problem with her applying for the position, but the reason why she applied. Commissioner Watson said, "Because she wanted to." Mr. Speakman said she did not want to transfer but "to stay at the park, but can't operate her position at the park because she..." Commissioner Watson asked Mr. Speakman if he was representing and speaking on behalf of the companies listed on the letter that was presented. He stated he was not speaking on behalf of the companies.

NEW BUSINESS

Public Hearing concerning the vacating of a portion of County Road 264

Commissioner Marchman made a motion to open the public hearing. The hearing was opened with a second by Commissioner Watson. Attorney Heath Meherg stated a fifteen foot portion of right-of-way at the cul-de-sac on County Road 264 is under consideration. A home has been built and is sitting on the ROW. Notice was posted on March 25, 2015, advertising has been done and utility companies have been notified. There were no other public comments. Commissioner Watson made a motion to close the public hearing and Commissioner Marchman seconded. The hearing was closed.

Resolution 2015-26 – Vacating a Portion of County Road 264

Commissioner Marchman made a motion to vacate a portion of County Road 264. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Confirm Tax Abatement by the City of Cullman for HomTex, Inc. in the amount of \$3,850,000 for renovation of vacant facility and new equipment

HomTex is purchasing the old Nicholson File building for company expansion to be used for transportation operations and a distribution center with the addition of 30-40 jobs. Commissioner Watson made a motion to confirm the tax abatement by the City of Cullman for HomTex, Inc. in the amount of \$3,850,000 for renovation of vacant facility and purchase of new equipment. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

Proclamation – Month of April as Fair Housing Month

Cherrie Haney, Director of Economic Development, stated the proclamation is part of the county's CDBG compliance requirements. Commissioner Marchman made a motion to approve the proclamation declaring April as Fair Housing Month. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

Authorize the signing of a Mediation Agreement with Christian & Small for mediation with Ryan Creek Acquisition, Inc. in the issue at Big Bridge

Mr. Meherg, County Attorney, stated the circuit judge denied summary judgment and has ordered parties to non-binding mediation. Both parties have agreed on R.A. Ferguson, Jr., a retired judge, with the law firm of Christian & Small. Mr. Ferguson did work for Ryan Creek Acquisition, Inc. some years ago in an unrelated matter. Mr. Meherg does not feel this prior relationship would affect Mr. Ferguson's judgment on this case. The minimum charge will be \$1,000 for four hours of mediation with the cost being split between the parties. Any mediation over four hours will be billed at \$250 per hour.

Mediation will take place on Wednesday, April 29, 2015 in Birmingham. Commissioner Watson will attend the mediation with the county attorney. Any agreement that is reached will be brought back to the Commission for approval. Commissioner Watson made a motion to approve the signing of a mediation agreement with Christian & Small for mediation with Ryan Creek Acquisition, Inc. in the Big Bridge lawsuit. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

Consider entering into contract with Goodwyn, Mills & Cawood for professional engineering services related to the airport taxiway rehabilitation in the amount not to exceed \$92,352.00

Ben Harrison, Airport Manager, stated the taxiway rehabilitation is Phase 1 of a five phase project. The project is for replacing the base of the south taxiway. The City of Cullman has already approved the contract. Some of the cost should be covered by the 95/5 FAA grant. Any cost not covered by the grant will be split 50/50 with the City of Cullman. All engineering services must be performed by a FAA certified engineering firm. Goodwyn, Mills & Cawood are certified. Commissioner Marchman made a motion to authorize the Chairman to sign a contract with Goodwyn, Mills & Cawood for professional engineering services related to the airport taxiway rehabilitation in the amount not to exceed \$92,352.00. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Consider entering into contract with Goodwyn, Mills & Cawood for professional environmental services related to the airport taxiway extension in the amount not to exceed \$45,000.00

Mr. Harrison, Airport Manager, explained the rehabilitation of the taxiway will involve the straightening of the taxiway and some wetland mitigation. Funding and payments will follow the same standard as the previous item. Commissioner Watson made a motion to authorize the signing of a contract with Goodwyn, Mills & Cawood for professional environmental services related to the airport taxiway extension in the amount not to exceed \$45,000.00. Commissioner Marchman seconded. Upon a unanimous voice vote, the motion passed.

Authorize the signing of a Clinical Agreement with Wallace State Community College (WSCC) for clinical site at the Commission on Aging for the Healthcare Information Technology program

Dusty Baker, Director Commission on Aging, stated this will be a partnership with WSCC to establish a clinical site at the Commission on Aging. The partnership with the Healthcare Information Technology program will be beneficial to both the county and the college. The site will provide clinical training for students in the healthcare program while at the same time giving much needed assistance to the staff at the Commission of Aging office. This is especially true during the period for open enrollment for Medicare Part D. This past year some clients waited over two hours for assistance. This will be a win-win for everyone involved. Commissioner Marchman made a motion to authorize the Chairman to sign the Clinical Agreement with WSCC for a clinical site at the Commission on Aging. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Resolution 2015-27 - Appointment of Phillip Patterson as Solid Waste Officer/Deputy License Inspector for Cullman County

Commissioner Watson made a motion to approve the appointment of Phillip Patterson as Solid Waste Officer/Deputy License Inspector for Cullman County. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

Consider surplus of 2010 Dodge Charger, VIN # 2B3AA4CT1AH304547, from the Sheriff's Department to be donated to Wallace State Community College

Matt Hogue from the Sheriff's Office stated the vehicle to be surplus has costly repair issues. The automotive school at the college will be able to do the repairs under their program and the school will be able to use the vehicle on campus. Commissioner Marchman made a motion to surplus the Dodge Charger, VIN # 2B3AA4CT1AH304547, to be donated to Wallace State Community College. Commissioner Watson seconded. The motion carried on a unanimous voice vote.

Consider authorizing the Revenue Commissioner sign a purchase agreement with Xerox for a network printer – Cost \$6,356

Barry Willingham, Revenue Commissioner, stated they have a number of old printers which are expensive to operate. The network printer will have a payback of about two years for overall cost savings. Commissioner Watson made a motion to authorize Mr. Willingham to sign a purchase agreement with Xerox for a network printer at a cost of \$6,356.00. Commissioner Marchman seconded the motion which passed upon a unanimous voice vote.

Bid No. 1193 – Tires

Joe Perry, Fleet Manager, stated they want to split the bid and award it as follows:

Category A & B	McGriff Tires, Inc.
Category C	Reject all bids and purchase tires off the State Bid List
Category D	Simmons Tire -retreads

Commissioner Marchman made a motion to award the bid as recommended by the fleet manager. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

Bid No. 1194 – Traffic Signs

John Lang, County Engineer, stated three bids were received for signs and Traffic Signs, Inc. was the low bidder. Commissioner Watson made a motion to award the bid for one (1) year to Traffic Signs, Inc. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Bid No. 1195 – Concrete Pipe

Mr. Lang stated two bids were received. Harvey Culvert Co., Inc. was the low bidder. Commissioner Watson made a motion to award the bid for concrete pipe to Harvey Culvert Co., Inc. Commissioner Marchman seconded and the motion carried on a unanimous voice vote.

Bid No. 1196 – Batteries

Joe Perry stated two bid were received which they want to reject. He does not think the cost of batteries this next year will exceed the \$15,000 threshold requiring a bid be in place. He would like to buy batteries as needed from a local supplier. Commissioner Watson made a motion to reject all bids and buy batteries locally. Commissioner Marchman seconded. The motion to reject all bids passed on a unanimous voice vote.

Bid No. 1199 – Pest Control

Gary Teichmiller, County Administrator, stated three bids were received. The low bidder was American Pest Control. Their bid is approximately \$6,000 less than the next bid. Commissioner Marchman made a motion to award the bid for pest control to American Pest Control. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

WORK SESSION

The agenda stated the next Commission Meeting would be May 7, 2015, however it was determined some commissioner had conflicts. Several dates were suggested but there were conflicting obligations. Commissioner Watson made a motion to set the next meeting for Tuesday, May 26, 2015. Commissioner Marchman seconded and the motion passed on a unanimous voice vote. *(There will be only one Commission Meeting during the month of May 2015.)*

NEXT REGULAR COMMISSION MEETING MAY 26, 2015

Chairman Walker announced the next commission meeting will be Tuesday, May 26, 2015 at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Watson made a motion to adjourn the meeting. Commissioner Marchman seconded the motion and the meeting was adjourned at 10:30 a.m.

/s/ _____
Kenneth Walker,
Chairman

/s/ _____
Kerry Watson,
Associate Commissioner

/s/ _____
Garry Marchman,
Associate Commissioner

Claims April 2015

Includes Transfers Between Funds

(*Check sequence will vary in these funds due to the funds being paid out of Operations)

FUND NO.	FUND	Beginning Check #	Ending Check #	TOTAL
001-004*	General Fund	125120	125757	\$1,415,336.60
110	Commission On Aging	3332	3340	\$2,868.81
111*	Gasoline Fund	125168	125721	\$1,340,769.47
120*	Reappraisal Fund	125142	125542	\$76,561.87
122*	Domestic Violence Court Fees	125445	125445	\$1,320.00
124	AOA Fund	6857	6929	\$55,034.41
125*	Juvenile Probation	125144	125715	\$36,440.86
128*	Work Release Fund	125201	125503	\$11,331.69
129	Law Library	895	896	\$650.58
130*	Youth Advocate Program	125704	125704	\$18,824.40
135*	Industrial Development Fund	125146	125708	\$23,871.20
155	C.A.R.T.S. Fund	9303	9342	\$89,242.84
166	Sheriff General	1271	1279	\$5,787.72

170*	Sheriff Bail Bond Fees	125453	125453	\$1,746.52
232*	EMA Grant	125157	125709	\$4,173.53
246*	Community Storm Shelters	125196	125196	\$36,200.19
313*	Merchants Bank	125710	125710	\$24,361.99
315*	Series 2010 Warrants	125167	125167	\$602,688.75
316*	Economic Dev. Building Loan	125455	125455	\$1,755.97
317*	222 Interchange	125165	125165	\$18,786.70
511*	Cullman County Sanitation	125178	125727	\$325,859.73
512*	Cullman County Ag Center	125204	125761	\$12,771.78
514*	Sportsman Lake Park	125205	125764	\$37,082.74
515*	Smith Lake Park	125206	125777	\$55,945.53
516*	OVH Park	125207	125781	\$30,797.79
710	Payroll	137920	138128	\$1,132,199.58
715*	TVA Fund	125511	125531	\$86,137.77
720	Excess Land Sales	1097	1097	\$9,772.66
765	District Attorney	1507	1507	\$242.12
766*	Community Development Fund	125522	125691	\$93,462.41
770	Worthless Check Fund	1082	1082	\$9,725.64
774	DARE Fund	125457	125713	\$7,669.00
	Water Department	30562	30658	\$959,947.52