

CULLMAN COUNTY COMMISSION MEETING
August 25, 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 and County Attorney Heath Meherg. Commissioner Garry Marchman was absent. The invocation was given by Chuck Chitwood. Doug Davenport led the Pledge of Allegiance.

APPROVE MINUTES OF THE AUGUST 11, 2015 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Watson made the motion to approve the minutes from the August 11, 2015 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Chairman Walker seconded the motion which passed on a unanimous voice vote.

Chairman Walker announced Commissioner Marchman is currently home following chemo treatment last week. We need to continue to remember him.

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

Consider approval of an Agreement with Breeze Group LLC for credit card processing for Cullman County Parks – tabled August 11, 2015

Gary Teichmiller, County Administrator, stated the Parks Department is waiting for a proposal from another company and they want to wait before any action is taken. Commissioner Watson made a motion to table the item and wait for the additional proposal. Chairman Walker seconded and the motion to table carried on a unanimous voice vote.

NEW BUSINESS

Public Hearing –Revised Cullman County Hazard Mitigation Plan Update

Commissioner Watson made a motion to open the public hearing. Chairman Walker seconded and the hearing was opened. Phyllis Little, EMA Director, stated the County is required to update the Hazard Mitigation Plan and a public hearing is part of the process. The two school boards, the volunteer fire association and the eleven municipalities in the county have agreed to the mitigation plan. FEMA has given tentative approval. There were no other comments or questions. Commissioner Watson made a motion to close the public hearing. Chairman Walker seconded. Upon a unanimous voice vote the motion passed.

Resolution 2015-50 – Adoption 2015 Cullman County Hazard Mitigation Plan Update

Commissioner Watson made a motion to adopt the 2015 Cullman County Hazard Mitigation Plan Update. Chairman Walker seconded. The motion passed on a unanimous voice vote.

Consider adoption of the bi-annual Review of the Emergency Operations Plan

Phyllis Little, EMA Director, stated FEMA requires a review every two years. There were no changes made to the plan during this review. Commissioner Watson made a motion to adopt the Emergency Operations Plan. Chairman Walker seconded the motion which passed on a unanimous voice vote.

Authorize payment to ALDOT for Resurfacing on County Road 747 from the Blount County Line to County Road 1545; ACNU59756-ATRP(002); ATRIP 22-03-10 – Cost \$558,402.00

John Lang, County Engineer, reported they are hoping to complete the paving of County Road 747 before the end of October when weather becomes a factor. He is not sure this will happen. This is the final ATRIP project. Commissioner Watson made a motion to approve the payment to ALDOT in the amount of \$558,402 for the paving of County Road 747. Chairman Walker seconded. Upon a unanimous voice vote, the motion carried.

Consider St. John & Associates recommended five year rate plan for the Cullman County Water Department based on Duck River cost analysis

Randall Waldrep, Water Department Manager, stated the Water Department contracted for an independent study with St. John & Associates, Inc. for a five year water rate study. He introduced Wesley Dawsey who gave an overview of the report. Mr. Dawsey reported their firm did a review of the regular revenue expectations and expenses of the wholesale water rates for Cullman County. The County Water Department has not had a rate increase for five years, despite rising wholesale water rates and operating cost totaling 52%. Based on the study, the water rates will need to increase, with the first increase effective October 1. The largest rate increase will come in 2016 due to the debt service for the Duck River Reservoir. The wholesale rate from the City of Cullman Utility Board to the Cullman County Water Department will increase 44% this next year which translates to a 19.5% increase in retail water cost over current pricing or a \$3.62 monthly increase for a minimum usage residential customer. This rate increase also takes into account the increase cost of operations at the County Water Department, those cost not related to the purchase of wholesale water. The plan presented outlines lesser rate increases for the following years at 2.75% for 2017; 2.5% for 2018; and a 0.5% increase for 2019 and 2020. Each year the rates will need to be evaluated since the County is billed in arrears based on the actual cost incurred by the Utility Board. The study makes rate suggestions based on cost projections which are subject to change. Commissioner Watson made a motion to accept the implementation of the five year water rate plan as submitted by St. John & Associates, Inc. Chairman Walker seconded and the motion passed on a unanimous voice vote.

Resolution 2015-48 – Authorize Request for Attorney General Opinion Regarding Excess Funds from Tax Sale

Heath Meherg, County Attorney, explained the Code of Alabama prior to a 2013 Legislative Act, authorizes excess funds from the annual tax sale be paid over to the owner of the property or his or her agent or into the county treasury. In 2013 the legislature passed an act which changed how the funds were to be handled. This created some gray areas. The County has now received two requests for funds from sale of property in 2009 and 2011. The Alabama Legislature has consistently stated that if such excess funds are not requested within three years after the sale by the person entitled to receive them, such excess shall be treated as part of the general fund of the county. The County wants to request an opinion from the Attorney General's Office concerning the disbursement of these funds which have been held over three years. Do they fall under the code prior to the changes of 2013 or do the changes apply to these older excess sale funds. Commissioner Watson made a motion to authorize the request from the Attorney General. Chairman Walker seconded. The motion passed on a unanimous voice vote.

Resolution 2015-49 – CARTS Third Party Service Contracts for Fiscal Year 2016

Joyce Echols, Director of CARTS, stated these are the annual contracts for 2016 for services provided by CARTS to outside agencies. They are the same as last year except for the addition of a contract with the Mental Health Service. Commissioner Watson made a motion to authorize the Chairman to sign the contracts for CARTS service with third parties within the county. Chairman Walker seconded the motion which passed on a unanimous voice vote.

Consider the Long Term Detention Subsidy Contract with the Department of Youth Services for FY-2016

Commissioner Watson made a motion to authorize the Chairman to sign the long term detention subsidy contract with the Department of Youth Services for FY-2016. Chairman Walker seconded. The motion passed on a unanimous voice vote.

Chairman Walker to re-appoint Steve Griffith to the E-911 Board of Commissioners for a four (4) year term to expire 9-1-2019

Commissioner Watson made a motion for the Chairman's re-appoint of Steve Griffith to the E-911 Board of Commissioners for a four (4) year term to expire 9-1-2019. Chairman Walker seconded and the motion passed on a unanimous voice vote.

Consider approval of the installation of an acoustical ceiling for the large courtroom on the third floor – Neil Foust Drywall; Cost \$11,500 with optional insulation \$14,400

Commissioner Watson made a motion to approve the installation of an acoustical ceiling for the large courtroom on the third floor to be installed by Neil Foust Drywall at a cost \$11,500. Chairman Walker seconded. The motion carried on a unanimous voice vote.

Consider approval of plat for Kelsey Grace Subdivision, located in District 4 on County Roads 609, 617 & 618

Keith Creel, Engineering Assistant, stated the plat is for eleven lots that lie along existing county roads. It meets the county's guidelines for a minor subdivision. He recommended approval of the plat.

Joel Kennemer, a resident in the area of the new subdivision, expressed concerns the neighbors have about the development of the subdivision. There are already five houses that have been built in the subdivision. Original houses in the area range in value from \$300,000 to \$500,000. The ones being built by the developer are in the \$100,000 range. This is de-valuing existing properties. It is also causing more traffic congestion and there is a problem with trash along the roads. A lack of regulation in Cullman County is taking the county in the wrong direction.

Commissioner Watson stated there are no zoning, codes or building permits in the unincorporated areas of the county. Therefore, the County does not regulate any building activities in the county other than to permit subdivision development and the building of roads in the subdivision. It was suggested several years ago the County adopt building codes and regulations, but it was met with strong opposition from county residents.

There were several suggestions from the audience about possible areas of recourse such as the Health Department, ADEM if there are concerns about soil erosion and the need to the use of slit screens and the group was made aware the County now has a solid waste officer who can look into the problem of illegal dumping of trash.

Commissioner Watson made a motion to approve the plat for Kelsey Grace Subdivision, located in District 4 on County Road 609, County Road 617 and County Road 618. Chairman Walker seconded and the motion passed on a unanimous voice vote.

Bid No. 1209 – Emulsified Asphalt

John Lang, County Engineer, stated one bid was received from Ergon, Inc. He recommended awarding the bid. Commissioner Watson made a motion to award the bid for emulsified asphalt to Ergon, Inc. Chairman Walker seconded. Upon a unanimous voice vote, the motion carried.

Bid No. 1210 – Snow plows

John Lang, County Engineer, stated the bid specs were for snow plows that would attach to the Hummers which the County bought from State Surplus. However, the cost of \$8,500 per plow was more than anticipated. He recommended rejecting the bid and re-writing the specs for snow plows that could be installed on pickup trucks. Commissioner Watson made a motion to reject the bid for snow plows. Chairman Walker seconded and the motion carried on a unanimous voice vote.

Bid No. 1211 - One (1) or more new current model pick-up truck(s)

Gary Teichmiller, County Administrator, stated there was one bidder who met the bid specs. The vehicle will be purchased for Animal Control. Commissioner Watson made a motion to award the bid to Mitch Smith Chevrolet for one (1) or more new current model pick-up truck(s). Chairman Walker seconded. The motion passed on a unanimous voice vote.

Bid No. 1213 – One (1) or more current model mid-size SUV’s

Chris King, Director of Sales Tax, stated the Commission earlier this year approved the purchase of a SUV off the state bid list. There was a problem with getting delivery and eventually the order was cancelled. Cullman Chrysler Dodge Jeep Ram has a vehicle in stock for immediate delivery. Commissioner Watson made a motion to award the bid for one (1) or more current model mid-size SUV’s to the low bidder, Cullman Chrysler Dodge Jeep Ram. Chairman Walker seconded. Upon a unanimous voice vote, the motion passed.

Bid No. 1214 – Corrugated Plastic Pipe

John Lang, County Engineer, stated Bear Block Co., Inc. was the low bidder and recommended awarding the bid. Commissioner Watson made a motion to award the bid for corrugated plastic pipe to Bear Block Co., Inc. Chairman Walker seconded and the motion passed on a unanimous voice vote.

Consider the mutual agreement to terminate the in-house employment contract of Heath Meherg, County Attorney and retain his services as outside counsel

Heath Meherg, County Attorney, announced by mutual consent he will be leaving the County as in-house counsel and joining a local law firm. He will continue to represent the Commission on a per hour basis. Commissioner Watson made a motion to accept the resignation of Mr. Meherg as the County’s in-house counsel. Chairman Walker seconded the motion. Upon a unanimous voice vote, the motion passed.

WORK SESSION

The Commission will hold a Work Session on Tuesday, September 8, 2015, at 8:30 a.m. in the commission conference room.

NEXT REGULAR COMMISSION MEETING SEPTEMBER 8, 2015

Chairman Walker announced the next commission meeting will be Tuesday, September 8, 2015 at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Watson made a motion to adjourn the meeting. Chairman Walker seconded the motion and the meeting was adjourned at 10:32 a.m.

/s/ _____
Kenneth Walker,
Chairman

/s/ _____
Kerry Watson,
Associate Commissioner

(ABSENT) _____
Garry Marchman,
Associate Commissioner