

CULLMAN COUNTY COMMISSION MEETING
July 14, 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. Barry Willingham, Revenue Commissioner, led the Pledge of Allegiance.

APPROVE MINUTES OF THE JUNE 24, 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 June 24, 2010 Commission Meeting, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Willingham made a motion to approve all item with the exception of the invoices from Marshall's Tree Service stating, "There is still some information we haven't got and we want to keep looking at that for the time being."

Chairman Graves stated withholding the payment may be a problem as part of the billing from Marshall's Tree Service is for work being done at the OHV Park under a federal grant through ADECA.

Commissioner Williams stated he had received a phone call from Rob Grant with ADECA who said the grant will not pay for any tree trimming work done at the OHV Park because part of the previous funding has been used to purchase a brush trimming tractor and a bush hog.

Chairman Graves stated Mr. Grant expressed to him part of the cost would be reimbursable because it deals with the landscaping around the Environmental/Welcome Center and the development of the handicap accessible nature trail leading from the center. He suggested recessing the meeting till tomorrow to determine if the Commission is in compliance with federal law.

Commissioners Williams and Willingham stated they have not approved any work to be done. Chairman Graves stated that expenditures to Marshall's Tree Service have been approved since November 2009 under the current bid and from March 2009 under a previous bid. He sighted the problem at Sportsman Lake where debris had been allowed to pile up resulting in an infestation of poisonous snake; over 100 have been killed since last summer. The Chairman went on to say the park had a number of dead trees that needed to be removed. The County has one law suit resulting from dead limbs on a walking trail at Sportsman Lake.

Chairman Graves reminded the Associate Commissioners of the storm last spring that resulted in a number of trees being removed from Smith Lake Park stating Commissioner Willingham had requested the trees be cut to specific lengths so some of his friends could have the trees to grind for chicken litter and sold for a profit. He stated all previous work has been approved and wanted an explanation why current expenditures are an issue. He stated he spoke with the County Attorney yesterday and there were no grounds for withholding payment, as it is legitimate work that has been preformed under bid.

Commissioner Williams seconded the motion to pay all bills except for the tree service.

Attorney Willingham stated he did not know if the work had been approved or budgeted. He would have to review the minutes of the Commission Meetings.

Commissioner Williams stated he could not find in the budget where authorization had been made for the expenditure of over \$800,000 for 2009 and half of this year to include tree trimming.

Commissioner Willingham stated it has gotten out of hand.

The Chairman suggested stopping any additional tree trimming work but to go ahead and pay what is due to Marshall's Tree Service. He asked the County Attorney for an opinion.

Attorney Willingham stated a resolution could be passed not to pay for any tree service from anyone however any work done up until now will have to be paid for at some point in the future even if a law suit had to be brought against the County. He also stated that ADECA needs to be contacted for clarification on whether work done in the OHV Park will be reimbursed under the grant.

Revenue Commissioner Barry Willingham asked, "How much is the outstanding bill currently?"

No one knew. Chairman Graves directed the outstanding bills be brought into the meeting. The meeting was paused while the bills were brought from the accounting department.

There was one invoice pending dated June 15 for work done on June 11, 14 and 15 at the OHV Park for \$4,200.

The Chairman again stated the work was legitimate and the vendor should be paid. He also stated he would go to Montgomery to speak with Mr. Grant concerning the grant for the park.

Commissioner Williams asked Commissioner Willingham if he wanted to change his motion.

Commissioner Willingham said, "If that's all we owe, but I don't want to see any more bills from them."

Commissioner Williams stated the tree service was in the park Monday working so there would be additional bills. Chairman Graves stated he had not authorized any work to be done. The only two items authorized since the first

Commission Meeting in June were the removal of a pile of debris before the 4th of July at Smith Lake Park and the cutting of a tree at Sportsman Lake that was struck by lightning.

Commissioner Willingham stated, "I'll change my motion to include that one, but that's the last one I want to see come in here, while I'm here."

Commissioner Williams replied, "I'll rescind my second so you can do that."

Commissioner Willingham stated, "I'll rescind my motion and make a motion to pay all the bills."

Chairman Graves stated, "That is outstanding as of the date. I will agree to that."

The Chairman called for a vote. Commissioner Willingham voted "aye". Commissioner Williams voted "nay". Chairman Graves announced the "ayes have it."

PUBLIC COMMENTS

Charles Wilson from the Hanceville Water and Sewer Board stated they are in the process of looking for alternate water sources. He asked the Commission to consider allowing Hanceville to tie a waterline underneath the concrete bridge on County 541 which enters Blount County. County Engineer, Fred Penn, stated the State has advised them the weight restriction for the bridge will need to be lowered due to the additional weight of the waterline. Further determinations can not be made until plans are submitted. Once the plans are received the State engineers will be able to recommend a weight restriction. Mr. Wilson stated there are no formal plans at this time because if they are unable to tie the waterline to bridge they do not want to spend funds for plans to be drawn up.

Commissioner Williams suggested they bring a written formal request to the Commission seeking approval for the waterline pending the investigation of the weight restriction. Mr. Wilson said he would get a set of drawings with the size of the pipe and the weight of the water. Mr. Penn stated they will also need to know how the pipe is going to be attached to know what the load limit will be.

Keith Creel, Assistant Engineer, informed the Commission the County now has permit system in place for placement of utilities on County right-of-way. He stated all pertinent information must be received before a permit is issued.

Marshall Brannon asked Commissioner Williams to comment on the rumor he and his wife were going to Reno at the County's expense and that he intended to max out the County's credit card before he left office. Commissioner Williams stated both rumors were not true stating the credit card has a \$100,000 limit on it and he could have a lot of fun. Commissioner Williams thanked Mr. Brannon for the opportunity to dispel the rumors.

Mr. Brannon stated that if Commissioners Williams and Willingham want to do what is best for Cullman County they need to rescind all actions taken on April 27 in the formation of the GUSC and the water cooperative.

NEW BUSINESS

Barry Willingham to address the Commission concerning Board of Equalization pay

Barry Willingham, Revenue Commissioner, addressed the Commission stating the three (3) member Board of Equalization, George Ponder, Athel Wilhite, and Mark Aderholt, receives combined state and local pay of \$40 per day. The State funding is to be cut by 12% for the next fiscal year. The County's portion is paid by the Commission. Mr. Willingham requested the Commission take into consideration additional funding for the Board stating they will meet four or five days this year. Gary Teichmiller, County Administrator, stated it is a budgeted item within the general fund. Chairman Graves instructed the County Administrator to add this for consideration when the budget for next year is prepared.

Jackie Satterfield stated he came before the Board of Equalization last year regarding his property tax and was not treated in a professional manner. He requested the Board be instructed to treat individuals with respect.

Consider surplus of trucks from the Sanitation Department

James Rollo, supervisor of the Sanitation Department, stated the surplus equipment has already been replaced. The two truck will be sold to Winston County and the front loader will be placed on govdeals for disposal. The trucks under consideration for surplus are:

2005 Isuzu Serial # JALC4B16257010090

2004 Isuzu Serial # JALC4B14947007703

2001 Mack MR 688-S 40 yd Heil Body Serial # 1M2K095C61M018036

Commissioner Williams made a motion to surplus the trucks from the Sanitation Department. Commissioner Willingham seconded and the motion passed on a unanimous voice vote.

Consider surplus of Rosco Chip Spreader Serial # 34772 for the Eastside Road Department

Commissioner Williams stated the chip spreader is owned jointly by the Eastside and Westside Road Departments. It is worn out and is beyond repair. Commissioner Williams made the motion to surplus the Rosco Chip Spreader Serial #34772. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Consider a donation to the Walter Community Center for \$1,000.00

Chairman Graves stated the Commission has already approved a donation to the Walter Community Center this fiscal year, in the October 13, 2009 Commission Meeting. They may request a donation next year.

Consider a donation to the Joppa Volunteer Fire Department for \$1,000.00

Commissioner Williams stated the Joppa Fire Department is a voting place and funds are needed to repair the parking lot. He made a motion to donated \$1,000.00. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Consider awarding bid for the Gandy's Cove Road Main relocation for the Water Department

David Bussman, Water Department Manager, stated five (5) bids have been received for the relocation of the Gandy's Cove Road water main where a bridge is being replaced. The project will be 100% reimbursed by Morgan County. He

recommended awarding the bid to C.D. Roberts Contracting, Inc. from Jasper. Chairman Graves asked if they were a responsible bidder due to the large spread on the bids. Mr. Bussman stated the company is bonded so the bond would complete the project if the contractor was unable to do so. Commissioner Williams made a motion to award the bid to C.D. Roberts, Inc. Commissioner Williams seconded the motion. Commissioner Williams voted "aye", there was no verbal vote from Commissioner Willingham, Chairman Graves stated the "ayes have it."

Resolution 2010-52 – Authorize the matching funds for the 5311 Grant for CARTS

The Chairman stated approval of matching funds is required annually in order for the County to continue to receive federal funding. The County provides approximately a third of the funding for CARTS. Commissioner Willingham made a motion to authorize the matching funds for the 5311 Grant for CARTS. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

Resolution 2010-54 - Authorize the Chairman to sign all documents pertaining to the 2011 application for the 5311 Grant for CARTS

Commissioner Willingham made a motion to authorize the Chairman to sign the application for the 5311 Grant for CARTS for fiscal year 2011. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

Resolution 2010-55 – Tax Abatement for New Century Products, Inc.

Sammie Danford, Director of Economic Development, stated New Century Products, Inc. is a new start up company located in Arkadelphia. They will manufacture scentless or scented (apple, licorice, vanilla, etc.) fertilizer derived from chicken litter. The abatement is for \$1.2 million and the project hopes to create approximately 25 jobs over a 3 year period. Commissioner Willingham made a motion for the tax abatement for New Century Products, Inc. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

Revenue Commissioner Barry Willingham stated some recent abatements lack significant merit and encouraged the commissioners to take a closer look when approving abatements.

Consider accepting County Road 906 into the County's maintenance system

Fred Penn, County Engineer, stated County Road 906 is a paved roadway which runs from County Road 864 to a dead end with a 40 foot right-of-way. He recommended accepting it into the County's maintenance system. Commissioner Willingham made a motion to accept County Road 906 into the maintenance, with Commissioner Williams' second, the motion passed on a unanimous voice vote.

Discussion of sex offenders in County Parks

Commissioner Willingham stated, unlike the municipalities, the County does not have the ability to pass an ordinance that would prohibit sex offenders in the County's parks. Commissioner Williams made a motion for the Commission to draft a resolution requesting the State Legislature pass a local ordinance making it a felony for a sex offender to enter a County park. Commissioner Willingham seconded.

Attorney Willingham stated the municipalities can only pass an ordinance establishing a misdemeanor and there are state laws for governing sex offenders around schools and churches but none with regard to parks.

Chairman Graves asked, since Sportsman Lake is owned by the County but is within the city limits of Cullman, would there be overlapping jurisdiction. Attorney Willingham stated the 7th Circuit has upheld some municipal ordinances stating it was in the public interest however it only covers the municipal parks, but it could apply to Sportsman Lake Park if the City so stated. Attorney Rusty Turner stated there are state laws that cover the participation of sex offenders in team sports that take place in parks.

The motion passed on a unanimous voice vote.

Consider changes to the Subdivision Rules and Regulations

Commissioner Willingham made a motion to add the consideration of changing the subdivision rules and regulation. Commissioner Williams seconded the motion. Chairman Graves agreed to the addition on the agenda.

Fred Penn, County Engineer, stated previously the regulation had required three layers of chip seal or asphalt. There were problems with the chip seal and asphalt became the standard for subdivision roads. There are now problems with the some of the asphalt road. He recommended all roads be paved with a bituminous treatment consisting of a minimum 3-layer "KJG" surface (chip seal) or a bituminous concrete (asphalt).

Commissioner Willingham made a motion to change the subdivision rules and regulations to allow either type of road treatment in the subdivisions. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

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

NEXT REGULAR COMMISSION MEETING TUESDAY, JULY 27, 2010

Chairman Graves announced the next regular Commission Meeting will be Tuesday, July 27, 2010, at 10:00 a.m. in the Commission Office Conference Room.

ADJOURN THE MEETING

Commissioner Willingham made a motion to adjourn the meeting. Commissioner Williams seconded. Chairman Graves adjourned the meeting at 11:56 a.m.

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner