

CULLMAN COUNTY COMMISSION MEETING
October 7, 2010

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:04 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. Willy Hendrix led the Pledge of Allegiance.

APPROVE MINUTES OF THE SEPTEMBER 28, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Willingham made the motion to approve the September 28, 2010 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted with the following correction to the minutes:

Commissioner Willingham stated the minutes are not a true and accurate record of the meeting and he made a motion "to amend the minutes to put in there where Chairman Graves was taking full responsibility for not passing the budget."

Chairman Graves stated he had "no objections to that going in the minutes. I know both commissioners have had concerns about that and I will gladly take the hit." He stated he has spoken with the department heads of the major departments and hopes to present a balanced budget at the next commission meeting.

Commissioner Williams seconded the motion, and upon a unanimous voice vote, the motion carried.

PUBLIC COMMENTS

George Mann requested the Commission to form a committee for the George E. Mann Veteran Memorial Park.

Darrell Hicks, a candidate for Associate Commissioner Place 1, stated since there is a short fall in the 2011 budget he would like to request that a budget not be passed until the four candidates running for the two commission seats have a opportunity to review the budget. Two other candidates, Wiley Hendrix and Stanley Yarbrough, concurred with Mr. Hicks concerning the budget.

William Herfurth asked if the county employees were "sitting on their hands" since there is no budget in place. He suggested a 10% across the board cut in order to pass a budget. Chairman Graves stated a resolution was passed in the last meeting authorizing payroll and payment of essential services; therefore the county is performing all necessary services of government.

Fulton Mauter asked for clarification on how over spending from the 2010 budget is covered. It was explained money is transferred from reserves to cover shortages. The Chairman explained the concern from the candidates is that too much will be spent from the new year's budget before the outgoing commissioners leave office. Mr. Mauter also asked what the procedure is for transferring equipment from one administration to the next. The Chairman explained the new commissioners will do an inventory of all equipment in their road departments. If there are items missing, it will be addressed at that time. Mr. Mauter asked Commissioner Willingham about a rumor that he has county equipment stored in a building off county property. Commissioner Willingham stated anyone is welcome to look in any of his sheds. Mr. Mauter asked who is paying for the commissioner's attorneys for the lawsuits. Commissioner Williams stated the County's liability insurance through ACCA is paying for legal representation.

Phyllis Little, EMA Director, presented the Commission with a schedule of events that the EMA Office will be participating in for FY-2011.

Linda Jean, a resident of County Road 295, requested the Commission not grant an extension of the surety bond for paving work to be done on County Road 295.

NEW BUSINESS

Consider long term detention subsidy contract for FY 2011

Gary Teichmiller, County Administrator, stated this is the annual contract with Alabama Youth Services where the County must select a long term detention facility. Brenda Howell, Director of Juvenile Probation, has selected Tennessee Valley. Alabama Youth Services will reimburse the County for the cost of one bed or \$17,000. Cullman County is not equipped to hold juveniles longer than 72 hours which requires a classroom, teacher and nurse. Commissioner Williams made a motion to authorize the Chairman to sign the contract with Tennessee Valley for juvenile long term care. Commissioner Willingham seconded the motion which passed on a unanimous voice vote.

Consider variance request for Day Gap Subdivision, Phase II & Phase III, located on Day Gap Road in District 1

Keith Creel, Assistant Engineer, stated an additional 30 lots are to be developed which will require a road. The developer had requested a design speed variance of 15 MPH and a right -of -way variance. After a meeting, the right -of -way variance request was withdrawn. A 15 MPH speed limit will allow for a sharper curve design which will allow for adequate lot size. The road will be for only local traffic. Commissioner Willingham made a motion to grant the variance request for Day Gap Subdivision, Phase II and Phase III, located on Day Gap Road in District 1. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

Notification from Cullman Environmental, Inc. of a 1.1% rate increase effective October 9, 2010 for solid waste

Chairman Graves stated the County has received notification from Cullman Environmental, Inc. of a 1.1% rate increase

effective October 9, 2010. James Rollo, Manager of the Sanitation Department, has informed the Commission the Sanitation Department will be able to absorb the rate increase without additional cost to the customers.

OLD BUSINESS

Discussion of surety bond for County Road 295

Keith Creel stated the engineers have met with the developer and paving work has begun. The surety does not expire until October 23, 2010. If work is not complete by the next commission meeting on October 26, it may be necessary to grant a thirty day extension. Determination on the surety will be looked at during the next commission meeting.

The next NARCOG meeting will be October 27, 2010 at the Decatur office of NARCOG.

NEXT REGULAR COMMISSION MEETING TUESDAY, OCTOBER 26, 2010

Chairman Graves announced the next regular Commission Meeting will be Tuesday, October 26, 2010, at 10:00 a.m. in the Commission Office Conference Room.

The Chairman asked for a motion to adjourn the meeting. Commissioner Williams made a motion to recess the meeting for one hour stating there were several items he had requested be put on the agenda which were not there.

The Chairman stated he has looked at the items but could not bring himself to add them to the agenda. He listed the items:

1. Authorize obtaining a \$500,000 supersedeas bond and any necessary letters of credit in connection with the ongoing litigation involving the Cullman County water distribution system and executing all documents necessary in connection therewith.
2. Authorize executing an agreement with the South Cumberland Cooperative District regarding operations of the Cullman County water distribution system.
3. Authorize payment of all outstanding legal fees to Johnston, Barton, Proctor and Rose.
4. Authorize employment agreement with David Bussman.

The Chairman stated it would be illegal for the Commission to entertain paying the law firm since they are not our attorneys. They have never been approved in a Commission Meeting. Plus the fact that all litigants are now under a mediation order from the Supreme Court, nothing is to be done until mediation is completed.

The Chairman also addressed other items that were requested to be put on the agenda.

1. Resolution to donate \$25,000 to the Governor Hunt Library and Museum from tourism fund.

The Chairman stated previously when funds had been donated to the Baileyton Senior Center, a resolution was drawn up specifying the terms of the donation and sent for the town council's approval. He requested the County Attorney to draw up a resolution for the Town of Holly Pond to consider concerning the Governor Hunt Library and Museum. If this can be accomplished by the October 26 commission meeting, it can be put on the agenda.

2. Consider approval of the fiscal year 2011 budget.

The Chairman stated the budget is approximately \$600,000 from being balanced. He stated a recess of the meeting will not facilitate a balanced budget in an hour time frame. He hopes to be able to present a balanced budget at the next commission meeting.

Commissioner Willingham seconded the motion to recess for one hour.

Darrell Hicks addressed the associate commissioners stating, "Both of you have made the statement you want to do what is right for Cullman County. I think Cullman County spoke loud and clear on June 1 - about 71% of the vote. The question I've got today is 'What part of "no" do ya'll not understand?'"

Commissioner Williams stated the procedures were not being followed by allowing folks from the floor to speak.

The Chairman stated he would not call for a vote and would not step down from the chair. The Chairman stated the associate commissioners could take him to court if they did not agree with his actions.

After consulting with the County Attorney and upon his advise, the meeting was recessed at 10:36 a.m. to reconvene at 11:30 a.m..

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner