

CULLMAN COUNTY COMMISSION MEETING
October 26, 2010

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:00 a.m. and welcomed approximately 150 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 Matt Carter representing the law firm of Fuller & Willingham. The invocation was given by Mac Buttram. Herman Nail, Mayor of Holly Pond, led the Pledge of Allegiance.

APPROVE MINUTES OF THE OCTOBER 7, 2010 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Willingham made the motion to approve the October 7, 2010 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

PUBLIC COMMENTS

Charles Kent, a resident of County Road 834, stated he has been promised for ten years his road would be paved. Residents have taken down fences and other structures as the County requested, but no work has been done in seven months. He wanted to know when his road would be paved. Commissioner Willingham stated paving funds ran out in the FY-2010 budget.

Henry Whaley stated since this is the last meeting for the associate commissioner, he would request that they do the right thing and just one of them join with Chairman Graves to undo the wrongs of the past months. [This is in reference to the formation of the water boards.] He stated, "I feel all of you are smart people and after the meeting today everybody in Cullman County and beyond are going to know just how smart you are." His remarks were followed by applause.

Emitt Freeman stated he feels the water boards that were created are wrong and 90% all those in attendance feel it is wrong. He asked that it be resolved in today's meeting. He stated two men should not decide what goes on in Cullman County, the people should be given an opportunity to vote. He suggested Lake George should be investigated as a possible secondary water source.

John Millard stated he does not know what the best solution is for a secondary water source. However, he is tired of elected officials thinking citizens are stupid and do not understand. He stated the continuation by commissioners Williams and Willingham to expend funds on the water issue is a waste of county tax payer money and they should be reprimanded. Furthermore, they should not be allowed to vote on payment to the law firm in Birmingham since it appears they may be personally liable for these expenditures and such a vote would benefit them personally. His comments were followed by applause.

Larry Butts addressed the Commission concerning the OHV Park. He is interested in forming a citizens group of those interested in the OHV Park.

Kenneth Neal stated, "Why do two county commissioners want to go against this number of people to do something they know is wrong. Is it about money? What is it about? What is this really about? Why should the County pay for this bond? Let the Commissioners pay for the bond if they need a bond." He also asked, "If you pass a budget, what are you going to do for the next week – spend all the money available for the next year? Why don't you go home today, forget about it and do what the people want?" His remarks were met with applause.

Billy Meeks, a Cullman County farmer, stated farmers need a secondary water source. He asked the associate commissioner not to act on the bond issue and to "change your attitude and do what is right. Clean you slate and do away with the water boards." Applause followed his remarks.

Bryan Messersmith, addressed the Commission about concerns of water run off from the Cullman Casting property which is adjacent to his mother's property. The County's work on the site prep for Cullman Casting and on County Road 715 has caused pooling of water on her property. He also addressed the Commission about eminent domain seizure of property that will arise from the development of the Duck River Reservoir project. He requested those in charge treat property owners with respect and concern.

Leon Creel, chairman of the East Cullman Water Board, stated he has been opposed to everything the Commission has done since the April 27 commission meeting and feels the crowd gathered feels the same way. His remarks were followed by applause.

Jerry Parker, stated he has been against the water board since its inception. He thanked the large crowd, which extended down the hallway, including a group of school children brought for a history lesson to "observe how people can react when government goes astray and how to bring government back." Applause followed his remarks.

Willy Hendrix, a candidate for Associate Commissioner Place 2, asked Commissioner Williams and Willingham to look at him. He asked the associate commissioners to "Do what is right." Applause followed.

Louise Proctor, stated she had been proud to Cullman County until the water issue surfaced. With all the bickering and fussing over the past few month, this has been tarnished. She does not know if a water board is needed, but there is a "fairer" way to get one. Applause followed.

Jackie Satterfield requested the associate commissioners face the audience while they are being addressed. He addressed his remarks to Commissioner Williams, "You are in the funeral home business. You know when someone dies they leave everything behind but the most precious thing they leave behind is their reputation. Doug, after today, you need to look and see what kind of reputation you are leaving behind because you know this was not done in a legal manner and was not done in a manner the people of Cullman County expect out of their leadership." He asked Commissioner Williams to swap sides and vote with the Chairman or for one of the commissioners to abstain from voting. He reminded Commissioner Williams that in the April 27 meeting of the County Commission he had stated he had been working on the formation of a water board for over a year and "something like this can not be worked on and kept out of the public's eye. It's the public's business and it should be conducted just like the meeting today. It's not too late to say 'I thought I had a good idea, but it's obvious to the people of Cullman County that it is not the idea they want to go along with, therefore I am not going to support it any longer and I will not vote on this issue.'" Applause followed.

Another member of the audience stated he was disappointed in the associate commissioners. They were elected to represent the people and the people feel like they have been done wrong. He asked the associate commissioners to apologize to the public and to try to make things right. Applause followed.

Donald Lynn, asked if a decision had been made concerning the request for \$50,000 for the Veteran's Park development. Chairman Graves stated the park fund currently has funds available and he does not feel additional funding is needed at this time. Mr. Lynn also wanted to know if a committee has been formed for the oversight of the Veteran's Park. Chairman Graves stated there is currently a committee made up of the VFW, DAV and American Legion.

Ruth Cates, a Cullman County Water Department customer, stated she thinks the associate commissioners have gone behind the backs of the water customers, have had secret meetings, have lied to the public and they need to go to jail. Applause followed

Lydia Haynes, stated the farmers in Cullman County need to be taken care of when considering the Duck River project. She stated approximately 80% of the land effected by the proposed project is in active agriculture. It is a highly populated area with septic tanks, 150 chicken houses, 227 farm families. The reservoir will be fed by run off from these areas.

NEW BUSINESS

Consider approval of the FY-2011 budget for Cullman County

Commissioner Willingham made a motion to approve the budget for FY-2011. Commissioner Williams seconded the motion with the stipulation that cash on hand would be used and let the next commission make any adjustments that are necessary as far as reductions and amendments are concerned.

Chairman Graves stated the budget reflects a \$600,000 shortfall in revenue over expenditures which will force funds to be pulled from reserves. He was hopeful that the new commission could sit down and present a balanced budget for approval since they are the ones who will be operating under the new budget.

Chairman Graves asked Commissioner Willingham if he would make a promise to the public, since he has only two weeks left in office, that he does not intend to go out and spend hundreds of thousands of dollars to pave a road in the northwest part of the county. The Chairman stated Sammie Shaffer, superintendent from the Westside Road Department, had asked for purchase orders in excess of \$300,000 for paving last week. This is one third of the paving budget for the fiscal year. He stated if the paving is done it will cripple the Westside Road Department's operations for the 2011 fiscal year. Commissioner Willingham assured the public the funds would not be spent.

Chairman Graves called for the vote. The motion passed on an "aye" vote from Commissioners Williams and Willingham.

Consider the approval to obtain a \$500,000 supersedeas bond related to the ongoing litigation involving the Cullman County Water Department

Commissioner Williams made a motion that "we agree the bond needs to be done and the board is allowed to do whatever it needs to do to get the bond, but I will not obligate Cullman County funds from the Commission to get the bond."

Commissioner Willingham seconded the motion.

Commissioner Williams stated, "We are not going to get the bond through the County. We are not going to spend County money, that's what that means."

Someone from the audience asked, "Where are you going to get the money?"

Chairman Graves asked his attorney, Tim Culpepper, "Is this something that is necessary to be done?"

Mr. Culpepper stated, "It is a discretionary thing. The Supreme Court issued a ruling that said they could post this bond in order to transfer the assets effectively back to the two boards that were created. It is discretionary not necessary."

Chairman Graves stated, "If the supersedeas bond is done and the co-op gets control again, that means that we are passing the checkbook to Ron Stone and Wiley Kitchens for the County water department."

Members from the audience began to say "No".

The Chairman said, "That's what is going to happen if they get the bond."

The audience became somewhat unruly and Commissioner Williams admonished the Chairman about keeping the meeting in order.

Commissioner Williams stated, "We are not going to do the bond – the Commission is not going to do the bond."

The Chairman stated, "Somebody else may."

Commissioner Williams stated, "I don't have control over what somebody else does. The Commission is not going to spend the money to do a bond."

Chairman Graves stated, "So we don't need it on the agenda then."

Commissioner Williams stated, "No, no. We can take it off the agenda or table it."

Chairman Graves asked for a motion to remove the item from the agenda.

Commissioner Willingham stated it was Commissioner Williams' motion.

Commissioner Williams stated it did not need to be deleted, they were not going to vote on it. "It's over with, we are not spending any money."

The Chairman stated, "So moved then. We will regard it as such. The Commission is not involved in the supersedeas bond in any manner whatsoever."

Inform the public of abatements for Cash Acme Distribution and Hollingsworth Investments II

Dale Greer, from the City Economic Development Office, stated Cash Acme Distribution is doing a \$16 million 145,000 sq. ft. expansion which will create 100 new jobs and save 73 that were to be relocated. This involves a new facility and the expansion of their current facility. Hollingsworth Investment II is the company building the new distribution center which will be leased back to Cash Acme. The project will be complete the first quarter of 2011. The Chairman stated the property lies within the City of Cullman and no action is required by the County Commission.

Authorize the Chairman and EMA Director to sign the following Homeland Security Grants

SMORT Grant	\$12,000
Regional Grant	\$35,452
Citizen's Corp	\$14,200

Phyllis Little, EMA Director, stated Cullman County has received the homeland security grants which are 100% reimbursable grants. Commissioner Willingham made a motion to authorize the Chairman and EMA Director to sign the

grants. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

Resolution 2011-05 – Set speed limit on County Road 401 at 35 MPH

Fred Penn, County Engineer, stated the residents have requested a speed limit be posted since this is a dead end road. Commissioner Willingham made a motion to set the speed limit on County Road 401 at 35 MPH. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

Resolution 2011-06 – Approving Partial Funding of Guy Hunt Museum

Chairman Graves stated Holly Pond has complied with the necessary paperwork and a resolution to acquire funding for the Guy Hunt Museum and Library. Commissioner Williams made a motion for \$25,000 to be funded to the project from the tourism fund. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

OLD BUSINESS

Consider release of \$240,000 surety bond held by Cullman County Commission for Goodwin-Mills Subdivision located in District 2 on County Road 295

Chairman Graves stated the road has been paved. Commissioner Willingham made a motion to release the surety bond. Commissioner Williams seconded the motion which passed on a unanimous voice vote.

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

NEXT REGULAR COMMISSION MEETING WEDNESDAY, NOVEMBER 10, 2010

Chairman Graves announced the next commission meeting will be, Wednesday, November 10, 2010 at 10:00 a.m. in the courtroom on the 2nd floor of the courthouse for the swearing in of the new commission.

ADJOURN THE MEETING

Commissioner Willingham made a motion to adjourn the meeting. Commissioner Williams seconded. Chairman Graves adjourned the meeting at 10:50 a.m.

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner