

CULLMAN COUNTY COMMISSION MEETING
September 9, 2014

CALL TO ORDER AND WELCOME

Chairman Walker called the Commission Meeting to order at 10:01 a.m. and welcomed the visitors.

CALL OF ROLL TO ESTABLISH QUORUM

The County Clerk called the roll; present were Chairman Kenneth Walker, Commissioner Darrell Hicks, Commissioner Stanley Yarbrough and County Attorney Heath Meherg. The invocation was given by Representative Mac Buttram. Revenue Commissioner Barry Willingham led the Pledge of Allegiance.

APPROVE MINUTES OF THE AUGUST 26, 2014 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Yarbrough made the motion to approve the minutes from the August 26, 2014 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

PUBLIC COMMENTS

Mac Buttram presented the Commission with a check for \$3,500. The compressor from the Colony Senior Center was stolen earlier this year. Neal Morrison from Alabama Department of Senior Services had promised to assist the County with the replacement cost. Representative Buttram stated he is happy to assist with the repairs at the center. He also thanked the Commission for working with him over the past four years as he served as representative for District 12.

A number of residents from the Gilleyville Subdivision, located off Hwy 31, were in attendance to address a problem of a resident that has "excessive trash" in his yard. **Frankie Freeman** stated he has addressed the Commission previously concerning the neighbor at the entrance of the subdivision. The resident shows a lack of respect for the neighbors and one homeowner is taking advantage of 66 other homeowners. **Warren Renshaw** stated residents have spoken with Mr. Hollis, the property owner, but he continues to place more and more trash in the yard until it is now like living next to a landfill. It is bringing the property values down in the subdivision. Several residents would like to sell their homes, but once a prospective buyer sees the property at the entrance, they are not interested in buying. Another resident, a retired nurse, stated it has become a safety issue with rats, snakes and a breeding area for mosquitoes.

Chairman Walker stated the County does not have the ability to regulate property owners in the county but he does understand the frustration. He asked the residents if they could stay after the commission meeting to meet with the commissioner and the county attorney to see if something might be done as for as the safety concern for the residents.

NEW BUSINESS

Authorize the Chairman to sign the annual CARTS Third Party Service Contracts for FY-2015

Joyce Echols, CARTS Director, stated these are the annual contracts that CARTS has with local agencies, such as the Chamber of Commerce, Commission on Aging, Victim's Services and CCCDC, for transportation services. These contracts are required by ALDOT. Commissioner Hicks made a motion to authorize the Chairman to sign the CARTS third party contracts for FY- 2015. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Authorize payment of \$354,424 to Good Hope Contracting Co., Inc. for ALDOT project ACOA59458-ATRP(006) ATRIP 22-03-12 – County Road 1435

Jon Brunner, County Engineer, stated the ATRIP paving project is County Road 1435, the Eva Road, from Hwy 157 to the Morgan County line. Good Hope Contracting Co. was the low bidder. Commissioner Hicks made a motion to authorize payment to Good Hope Contracting Co., Inc. for \$354,424 for ALDOT project ACOA59458-ATRP(006) ATRIP 22-03-12. Commissioner Yarbrough seconded and the motion passed on a unanimous voice vote.

Authorize payment of \$1,750 to the Chamber of Commerce for the promotion of Farm Ya'll and for promotion of Cullman County Parks for FY-2015

Commissioner Yarbrough made a motion of authorize payment of \$1,750 to the Chamber of Commerce for the 2015 Farm Ya'll event and general advertising of the parks. Commissioner Hicks seconded. Upon a unanimous voice vote, the motion carried.

Consider request from remaining elected officials to allow payroll to calculate pay to be consistent with omnibus pay act and recent opinions from the Examiners of Public Accounts and the AG's Opinion

Heath Meherg, County Attorney, stated the Sheriff requested an Attorney General's opinion concerning starting pay for the Sheriff based on the previous Sheriff's pay. Following receipt of the AG's opinion, the County requested an opinion from the Examiners of Public Account and in September 2013 received a letter stating their audit position is consistent with the AG's opinion assuming two things: 1) the annual raises must have been granted uniformly, in the same amount or percentage, to all employees and 2) the annual raises must have been approved at the time of the approval of the county budget. Based on these two opinions, the Sheriff's starting pay was adjusted in line with the pay of the previous sheriff.

The County has now received a request from the remaining elected official concerning their pay based on the same AG's opinion. The County went back to the Examiners of Public Accounts and asked if their previous opinion from September 2013 was still consistent. A letter was received from the Examiners dated August 25, 2014 stating "our audit position remains consistent with our letter to you dated September 5, 2013, assuming all relevant factors are the same." This is an issue that has been going on for some time concerning the starting pay and any back pay the elected officials are entitled.

Commissioner Yarbrough made a motion to authorize the calculation for the adjusted salaries for the remaining elected officials (*Chairman, Associate Commissioners, Revenue Commissioner and Probate Judge*) to be consistent with omnibus pay act and recent opinions from the Examiners of Public Accounts and the AG's Opinion. Commissioner Hicks seconded and the motion passed on a unanimous voice vote.

Consider requests for the polling maintenance and operation support from the following - \$500 appropriation each:

Valley Grove Community Center
Center Hill Community Center

Commissioner Hicks made a motion to approve request from Valley Grove Community Center and Center Hill Community Center for polling maintenance and operational support in the amount of \$500 each. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

Consider surplus of AAI Equipment, Model A630, from the Animal Shelter to be sold as scrap

Commissioner Yarbrough made a motion of approve the surplus of obsolete equipment at the Animal Shelter to be sold as scrap. Commissioner Hicks seconded the motion which passed on a unanimous voice vote.

Consider approval of proposed plat for Hawk's Nest Subdivision, located in District 2 off County Road 184

Keith Creel, Engineering Assistant, stated the proposed plat for Hawk's Nest Subdivision is for 25 lots at a dead end with a circle. The Commission will need to grant a variance of the standard 35 MPH requirement. He recommended a 15 MPH speed limit due to the circle.

Melissa Edwards, a resident who owns property adjacent to the subdivision requested to see the proposed plat. She had concerns that new homes are going to be built too close to her planned house site. She asked about piers that will be located on the lake. Mr. Creel explained the County does not regulate the location of house built on lots; only the construction of roadways in the subdivision. Concerning any piers located on Smith Lake, Alabama Power regulates anything constructed below the 522 line.

Commissioner Yarbrough made a motion to approve the proposed plat for Hawk's Nest Subdivision with a variance for a 15 MPH speed limit. Commissioner Hicks seconded. The motion passed on a unanimous voice vote.

Bid No. 1151 – Extension – Cold Laid Plant Mix – Good Hope Construction

Jon Brunner, County Engineer, stated Good Hope Construction currently has the bid for cold laid plant mix. They have agreed to extend the bid for one (1) year at the current price and he recommended the extension. Commissioner Hicks made a motion to extend Bid No. 1151. Commissioner Yarbrough seconded. The motion passed on a unanimous voice vote.

WORK SESSION

The Commission will hold a Work Session on Tuesday, September 23, 2014, at 8:30 a.m. in the commission conference room.

NEXT REGULAR COMMISSION MEETING SEPTEMBER 9, 2014

Chairman Walker announced the next commission meeting will be Tuesday, September 23, 2014, at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Hicks made a motion to adjourn the meeting. Commissioner Yarbrough seconded the motion and the meeting was adjourned at 10:23 a.m.

/s/ _____
Kenneth Walker,
Chairman

/s/ _____
Darrell Hicks,
Associate Commissioner

/s/ _____
Stanley Yarbrough,
Associate Commissioner