

CULLMAN COUNTY COMMISSION MEETING
May 26, 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, Commissioner Garry Marchman and County Attorney Heath Meherg. The invocation was given by Dusty Baker. Matt Kinsland led the Pledge of Allegiance.

APPROVE MINUTES OF THE APRIL 28, 2015 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Watson made the motion to approve the minutes from the April 28, 2015 Commission Meeting; approve appropriations, expenditures, payroll, requisitions and all journal entries to be posted. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

PUBLIC COMMENTS

Dwight Thompson addressed the commission about the possibility of a southern bypass in Cullman County. This would keep hazardous cargo from being transported through the City of Cullman and across Lake Catoma. He stated the plan was originally proposed some twenty years ago.

NEW BUSINESS

Public Hearing – Funding availability for the Department of Transportation’s National Infrastructure Investment the Consolidated and Further Continuing Appropriation Act, 2015

Commissioner Watson made a motion to open the public hearing. Commissioner Marchman seconded. Matt Kinsland from the Economic Development Office stated the TIGER grant is a competitive federal grant program which has \$500 million nationwide to award in 2015. Based on the 2011 tornado disaster the following roads will be submitted for consideration: County Road 1718, 1589, 1570, 1564, 783, 775, 545, 436, 76, 46, and 7. Total cost of the projects is in excess of \$12.5 million. A 20% match would be required from the County at a cost of \$2.5 million. The pre-application was sent May 4, 2015 and has been approved. The final application is due June 5, 2015.

Larry Compton, a resident of County Road 436, addressed the commission concerning the condition of this road. The entire length of the road was damaged by the 2011 tornado and he wanted to know why the road was not approved last year in the CDBG funding for repair. It was in much worse condition than the roads which were repaired. It was explained that five roads were submitted for consideration and only two were chosen. One criterion which had to be met was low to moderate income. The County did not decide which roads were selected. The CDBG application was for \$5 million but the county received \$1.4 million. Mr. Compton stated he is in the process of getting a petition from all the residents of County Road 436 to ask the state/federal government for an investigation as to why County Road 436 was not approved for funding.

Mayor Kilgo from West Point asked if it was too late to include part of County Road 1141, which goes past the West Point Town Hall, in the grant application. He is to talk with Matt Kinsland at Economic Development to see if there is a possibility of including the road.

The question was asked how long it would be before we would know if the road repairs would be funded. Mr. Kinsland stated due to the size of the funding and it being nationwide it would probably be six to twelve months.

There were no further public comments. Commissioner Marchman made a motion to close the public hearing. Commissioner Watson seconded and the hearing was closed.

Resolution 2015-28 –Authorization to submit a grant application for funding assistance through United States Department of Transportation (USDOT)

The resolution gives authorization for the submission of the TIGER grant application to USDOT discussed in the public hearing section of the meeting. Commissioner Watson made a motion to approve the submission of the grant application. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Resolution 2015-29 - Water Revenue Warrants, Series 2015

Gary Teichmiller, County Administrator, stated the 2005, 2007 and 2010 Water Revenue Warrants are to be refinanced by the end of June. The resolution authorizes the Chairman to proceed with the refinancing. Commissioner Marchman made a motion to approve the signing of the resolution for the Series 2015 Water Revenue Warrants. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

**Resolution 2015-30 – Tax Abatement for American Proteins in the amount of \$7,400,000 for building and machinery
Confirm Tax Abatement by the City of Cullman for Hyundai Motor Manufacturing Alabama, LLC (located at the Royal Technology Plant) in the amount of \$2,400,000 for equipment**

Confirm Tax Abatement by the City of Cullman for Goat Island Craft Brewing LLC in the amount of \$576,000 for equipment

Kevin Jackson from City of Cullman Economic Development addressed the three abatements under consideration. The abatement for American Proteins will not create any new jobs, but the additional equipment will enable the company to remain the number one by-products rendering plant in the world. Tax abatement will be for \$7.4 million for equipment.

Royal Technology's Cullman location has received a contract with Hyundai Motor Manufacturing. The abatement is for Hyundai Motor Manufacturing for tool and die equipment to be located in the Royal Technology plant. The tax abatement for equipment is \$2.4 million

The third abatement is for the first brewing company in Cullman to be located in the John Cooper Industrial Park. The abatement for \$576,000 is for equipment for Goat Island Craft Brewing.

Commissioner Watson made a motion to approve the County's abatement for American Proteins and to confirm the City of Cullman abatements for Hyundai Motor Manufacturing and Goat Island Craft Brewing. Commissioner Marchman seconded and the abatements were approved on a unanimous voice vote.

Consider filing of answer in waiver of Notice of Claim Provision in Mid-Central Carrier, Inc. vs. Cullman County et al

Heath Meherg, County Attorney, explained a lawsuit has been brought against Cullman County and the Sheriff Office. No Notice of Claim was filed before the lawsuit. The suit stems from the recovery of a stolen 18-wheeler by the Sheriff's Department. The Sheriff was planning to auction the truck but has not been able to locate the presumed owner who lives in Texas. Mid-Central Carrier, Inc. has now filed suit to retrieve the truck, claiming ownership of the truck and providing a copy of a title with the filing. Mr. Meherg feels the courts should make a decision on the ownership rather than the county. With the waiver of Notice of Claim, court actions can proceed. Commissioner Marchman made a motion to approve the filing of answer in waiver of Notice of Claim Provision in Mid-Central Carrier, Inc. vs. Cullman County et al. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Resolution 2015-31 - Authorize the Chairman to sign an Agreement with ALDOT for Project ACNU61274-ATRP(012), County Road 940

Commissioner Watson made a motion to approve the resolution authorizing the Chairman to sign an agreement with ALDOT for work on County Road 940. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

Consider signing a cable franchise agreement with Charter Communications

Heath Meherg, County Attorney, stated the cable franchise agreement is for a ten (10) year renewal with a 1.5% of gross income fee. Franchise fees can be changed at any time during the agreement period. Commissioner Marchman made a motion to approve the franchise agreement with Charter Communications. Commissioner Watson seconded. Upon a unanimous voice vote, the motion passed.

Consider the acceptance of .18 acres located in Cullman County

Mr. Meherg stated Lakeshore LLC wishes to donate .18 acres of land to the county. They have a general warranty deed to convey the property. Commissioner Watson made a motion to accept the property. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

Nomination for the County Board of Equalization

Mr. Meherg stated the County has received a letter from the State Revenue Department concerning the appointment of members to the County Board of Equalization. It is a three member board with the County Commission, the Board of Education and the municipalities in the county each having an appointment. After some discussion, it was decided that the other appointing authorities should be contacted before nominations are sent to the State to avoid duplications. Commissioner Marchman made a motion to table any action. Commissioner Watson seconded. On a unanimous voice vote, the action was tabled.

Chairman Walker to appoint Stephen Donaldson to the Health Care Authority Board replacing Clint Frey for a six (6) year term expiring 6-30-2021

Commissioner Watson made a motion for Chairman Walker's appointment of Stephen Donaldson to the Health Care Authority Board replacing Clint Frey for a six (6) year term expiring 6-30-2021. Commissioner Marchman seconded. The motion carried on a unanimous voice vote.

Commissioner Watson to appoint Billy Faulk to the Health Care Authority Board replacing Del Brock for a six (6) year term expiring 6-30-2021

Commissioner Watson made a motion to appoint Billy Faulk to the Health Care Authority Board replacing Del Brock for a six (6) year term expiring 6-30-2021. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

Bid No. 1200 – Computers

Joey Martin, IT Director, stated this is the standard six month contract for computers. Only one bid was received, White River, who currently has bid. He recommended awarding the bid. Commissioner Marchman made a motion to award the computer bid for six (6) months to White River. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

Bid No. 1201 – Micro Surfacing – No bidders

John Lang, County Engineer, stated no bids were received for micro surfacing. Since there were no bids, he wants to solicit quotes. Commissioner Watson made a motion to reject the bid and authorize the solicitation of quotes for micro surfacing. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Consider approval of plat for Pleasant View Subdivision, located in District 1 on County Road 473

Keith Creel, Engineering Assistant, stated the Pleasant View Subdivision is a minor subdivision with six lots. It meets the county's subdivision regulations. Commissioner Marchman made a motion to approve the plat for Pleasant View

Subdivision, located in District 1 on County Road 473. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

Consider release of surety held by Cullman County Commission for Smith Lake RV Resort, Phase II, located in District 2 off County Road 202.

Keith Creel, Engineering Assistant, stated the road work has been completed and inspected by the County and meets specifications. The road will remain privately maintained. Commissioner Watson made a motion to release the \$102,000 surety bond for Smith Lake RV Resort, Phase II, located in District 2 off County Road 202. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

Consider release of surety bond and acceptance of roads for Lakeshore West, Phase V & X-A, located in District 2 on County Road 182 & 2019

Mr. Creel stated paving work on County Road 182 and 2019 has been completed and inspected by the County and meets standards. He recommended release of the \$150,000 surety bond and the acceptance of the extension of County Road 182 and the newly built County Road 2019 into the county's maintenance system. Commissioner Marchman made a motion to release the surety bond and accept the extension of County Road 182 and County Road 2019 into the maintenance system. Commissioner Watson second. Upon a unanimous voice vote, the motion passed.

WORK SESSION

The Commission will hold a Work Session on Tuesday, June 9, 2015, at 8:30 a.m. in the commission conference room.

NEXT REGULAR COMMISSION MEETING JUNE 9, 2015

Chairman Walker announced the next commission meeting will be Tuesday, June 9, 2015 at 10:00 a.m. in the commission meeting room.

ADJOURN THE MEETING

Commissioner Watson made a motion to adjourn the meeting. Commissioner Marchman seconded the motion and the meeting was adjourned at 10:31 a.m.

/s/ _____
Kenneth Walker,
Chairman

/s/ _____
Kerry Watson,
Associate Commissioner

/s/ _____
Garry Marchman,
Associate Commissioner