

**CULLMAN COUNTY COMMISSION MEETING**  
**July 25, 2017**

**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, County Administrator Gary Teichmiller and County Attorney Chad Floyd. The invocation was given by J.L. Parker. Revenue Commissioner Barry Willingham led the Pledge of Allegiance.

**APPROVE MINUTES OF THE JUNE 27, 2017 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Watson made the motion to approve the minutes from the June 27, 2017 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**

**Dawn Owen**, Director of The Link, a non-profit, faith-based organization, invited the Commissioner to their community meal which they have on Tuesdays at their new facility on 9<sup>th</sup> St SE. She also invited them to their "Lunch and Learn" program and to tour the facility. She also requested consideration for an appropriation in the FY 2018 budget. Mr. Teichmiller, County Administrator, told her applications for appropriations went out last week and she should be receiving one.

**Kim Smith**, a resident of County Road 1285, address the Commission about community concerns with Wootten Logistics, LLC, a trucking company, which has purchased land at the end of County Road 1285 and plans to build a truck terminal. In discussions with Zac Wootten, owner of the company, it is her understanding the Commission has agreed to widen County Road 1285 and to modify the intersection with Hwy 31 in order to accommodate trucks going to the terminal. She reported there are twenty-six residents on County Road 1285 and sixteen on County Road 1286, along with residents on County Road 1279, all of which will be negatively impacted by the 20-30 trucks daily, entering 24/7. A developer is building a new subdivision which will add an additional ten homes. Currently the road is basically a one-lane road where cars must yield to another on-coming vehicle. The addition of a trucking company will only decrease the value of homeowner's property. Ms. Smith also expressed safety concerns siting the company's recent safety record which showed in the last year four accidents, five unsafe violations and nine hours of service violations.

**Steve McClellan** stated he has lived on County Road 1285 since 2006. He has two sons who are about to reach driving age and has safety concerns for them as well as the other residents of the area. There are two school buses which use the road and one handicapped child lives in the area and rides the bus. The road is simply not conducive to truck traffic.

**Ed Taylor**, a resident of County Road 1285, addressed the Commission stating the road is very narrow and there is poor drainage. He has recently been approached by VAW Water Authority about placing a 3" waterline on his property because there is no right-of-way on the road. All homes on County Road 1285 are built 25' to 50' off the twelve foot road. Widening of the road will put the residents an unsafe distance from the truck traffic. Right-of-way acquisition will be expensive and well as the reconstruction of the road. He feels county dollars can be spent elsewhere more effectively than widening a road for a business which is locating in a residential area. He stated there is other properties available which is much more suitable for a truck terminal that has direct access to Hwy 157 at a lower cost per acre.

**Ruby Taylor** addressed the Commission stating there is a private school in the area and she has concerns for student safety if a trucks are continually entering the area.

Chairman Walker stated this is the first he has heard about proposed work and widening of County Road 1285. It has not come before the Commission and there has been no discussions with the engineer about such a project. Commissioner Marchman stated he has talked with Mr. Wootten about doing some tree trimming to give better access, but there has been no commitment to widen the road.

**NEW BUSINESS**

**Public Hearing – CARTS Application to ALDOT for Operating Assistance Grant FY 2018**

Commissioner Watson made a motion to add the public hearing to the agenda. Commissioner Marchman seconded the motion and it passed on a unanimous voice vote.

Commissioner Marchman made a motion to open the public hearing which was seconded by Commissioner Watson. Joyce Echols, CARTS Director, addressed the Commission stating last year CARTS began the JARC program which provides for low income and other qualifying to receive transportation services for work related and child care transportation. The cost of the program is funded by the Department of Human Resources (DHR) and the Alabama Department of Transportation (ALDOT). The plans for this year are the addition of a bus wash system at a cost of \$90,000. This will be an 80/20 project. The County's 20% will come from the CARTS escrow account. Application has also been made for two fueling stations. It is uncertain if funding will be made available next fiscal year for this project. There were no further questions or public comments. Commissioner Watson made a motion to close the public hearing which was seconded by Commissioner Marchman. The motion passed on a unanimous voice vote.

**Approve Insolvents, Errors and Taxes in Litigation for 2016**

Barry Willingham, Revenue Commissioner, explained the report is required annually and must be approved by the Commission before it goes to the State Comptroller Office. Insolvents are business that closed during the year and taxes could not be collected. In 2016 there were three such businesses. Errors are misfiling of taxes and Taxes in Litigation are bankruptcies. There were no bankruptcies. Commissioner Watson made a motion to approve the Insolvents, Errors and Taxes in Litigation for 2016. Commissioner Marchman seconded and the motion carried on a unanimous voice vote.

**Consider approval of the Tubbs Family Cemetery located at 214 County Road 478**

Attorney Floyd stated the Commission has received a request from the Tubbs family for the establishment of a cemetery on family property located at 214 County Road 478. The health department has done the sanitary inspection and has approved the location. Following the Commission's approval, paperwork will be sent to the Probate Judge.

Revenue Commissioner Barry Willingham asked if a survey of the cemetery plat has been done for recording of a deed with the cemetery is excluded from the Tubb's property. Mr. Floyd stated the guidelines for family/private does not stipulate a separate deed is necessary for the cemetery and the County has never required it. Commissioner Marchman made a motion to table action on the approval of the cemetery to give time to further research if a separate cemetery deed will be required. Commissioner Watson seconded. Approval of the cemetery was tabled until the August 8, 2017 meeting.

**Authorize the Chairman to sign the State Sub-recipient Disaster Assistance Agreement for the building of a Community Safe Room / Storm Shelter at the Stony Lonesome OHV Park**

Tanya Sears from the Economic Development Office informed the Commission the County has received a grant for a community safe room which will be located at the OHV Park. The double unit will hold 187 people. The grant is for \$127,275 with the County's match of \$42,425. Chairman Walker pointed out part of the County's match will be met with in-kind work and the value of one acre of property. Commissioner Watson made a motion to authorize the Chairman to sign the State Sub-recipient Disaster Assistance Agreement for the building of a community safe room/storm shelter at the Stony Lonesome OHV Park. Commissioner Marchman seconded. The motion passed upon a unanimous voice vote.

**Resolution 2017-31 – Authorizing County Attorney to File Complaints against Delinquent Taxpayers**

Attorney Floyd stated recently the County has needed to file complaints against delinquent taxpayers for non-payment of sales and use tax. Currently, each case must come before the Commission for approval to proceed, thus delaying action in filings. This resolution gives "blanket" authority for the County Attorney to proceed with filing of necessary documents in order to collect sales taxes that are past due. Commissioner Marchman made a motion to approve the resolution authorizing the County Attorney to file complaints against delinquent taxpayers. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Consider authorizing the Chairman to sign the annual maintenance agreement with Delta Computer Systems, Inc. for software support**

Gary Teichmiller, County Administrator, stated the cost of annual maintenance agreement is up about 5% or a little over \$500. Commissioner Watson made a motion to authorize the Chairman to sign the annual maintenance agreement with Delta Computer Systems, Inc. for software support. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Authorize the Chairman to sign a Premises Lease Agreement with the State of Alabama on behalf of the Cullman County Emergency Management Agency (EMA) for the property located at 704 23<sup>rd</sup> Street SW, Cullman**

Phyllis Little, EMA Director, stated the lease agreement is for the property which was the old National Guard Armory. The EMA Department has used it over the past several years in an unofficial capacity. The State of Alabama has now acquired the property from the Department of Defense and will use it in connection with the County as a staging facility for disaster equipment and supplies. The County will pay electric/gas charges, maintenance and pest control. The lease is for four (4) years with an extension option of two (2) additional years. Commissioner Marchman made a motion to authorize the Chairman to sign a premises lease agreement with the State of Alabama for property located at 704 23<sup>rd</sup> St. SW, Cullman. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

**Authorize Phyllis Little, EMA Director, to execute a Memorandum of Understanding (MOU) between North Central Alabama Regional Council of Governments (NARCOG) and Cullman County Emergency Management Agency (EMA) For Disaster and Emergency Management Services**

Phyllis Little, EMA Director, stated the MOU is a new agreement NARCOG is requesting between the NARCOG agency and the counties of the COG; Cullman, Morgan and Lawrence. She has been unable to talk with the other counties involved and she requested the item be tabled in order to give her time to get with those involved and evaluate the impact on Cullman County. Commissioner Watson made a motion to table any action to give the EMA Director time to do the research. Commissioner Marchman seconded. The item was tabled on a unanimous voice vote.

**Resolution 2017-30 – CARTS Third Party Service Contract FY-2018**

Joyce Echols, Director of CARTS, stated there are eight agencies which CARTS provides transportation for their clients. The resolution authorizes the signing of these annual contracts. Commissioner Marchman made a motion to approve the resolution for the FY-2018 CARTS third party contracts. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Authorize the Chairman to sign a Cooperative Agreement with Alabama's Mountains, Rivers & Valleys – RC&D Council (AMRV-RC&D) to provide \$10,000 for the Cullman County Probate Maps Archive**

Tanya Sears from the Economic Development Offices stated the RC&D grant is a \$10,000 grant for the map archives department of Probate Office. There is no match associated with the grant. Commissioner Watson made a motion to

authorize the Chairman to sign the cooperative agreement with AMRV-RC&D for the grant. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Ratify payment of \$9,643.50 to Dye Service for the replacement of compressor in chiller rack at the courthouse**

Chairman Walker explained this is the second chiller rack to go out at the courthouse in the last three months. Dye Services had the low quote for the previous repairs and agreed to perform the current repairs at the same price. The courthouse could not be without air conditioning in July and authorized the work to be done immediately. Commissioner Marchman made a motion to ratify the payment of \$9,643.50 to Dye Service for the replacement of compressor in chiller rack at the courthouse. Commissioner Watson seconded. Upon a unanimous voice vote, the motion passed.

**Consider the purchase of 30 Roll-Off Containers from the NJPA Cooperative Contract through Wastequip for the Sanitation – Cost \$129,768**

James Rollo, Sanitation Department Manager, stated the roll-off operation was started in February of this year with an initial 60 containers. An additional ten containers have been purchased. Currently all containers are in use. Last month's revenue from the roll-off operation was \$52,000. He requested authorization to purchase an additional 30 containers giving them a total of 100 roll-offs. Commissioner Watson made a motion to approve the purchase of the containers from the NJPA Cooperative Contract through Wastequip for the Sanitation Department at a cost of \$129,768. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

**Consider payment of dues to Alabama's Mountains, Rivers & Valleys – RC&D Council - \$3,000**

Commissioner Marchman made a motion to authorize payment of \$3,000 to Alabama's Mountains, Rivers & Valleys – RC&D Council for annual dues. Commissioner Watson seconded and upon a unanimous voice vote, the motion passed.

**Consider authorizing the Chairman to sign a Listing Agreement with Iron Planet for disposal of previously surplused vehicles and equipment from the Road Department**

John Lang, County Engineer, stated the equipment had previously be surplused to be list on Govdeals. They believe the equipment will bring a better price if listed with Iron Planet. Commissioner Watson made a motion to authorize the Chairman to sign a listing agreement with Iron Planet for the sale of vehicles and equipment from the Road Department. Commissioner Marchman seconded. The motion carried on a unanimous voice vote.

**Consider proposed plat for Turtle Cove Subdivision, located in District 2 on County Road 151**

Keith Creel, Engineering Assistant, recommended approval to the four lot plat, a minor sub-division. Commissioner Marchman made a motion to approve the plat for Turtle Cove Subdivision, located in District 2 on County Road 151. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

**Consider re-survey plat of lot 6 of Lakeshore Acres Subdivision, located in District 2 on County Road 902**

Keith Creel, Engineering Assistant, stated Lakeshore Acres is an older subdivision with large lots. The re-survey divides Lot 6 into two lots. He recommended approval. Commissioner Watson made a motion to approve the re-survey of lot 6 of Lakeshore Acres Subdivision, located in District 2 on County Road 902. Commissioner Marchman seconded. Upon a unanimous vote, the motion passed.

**Bid No. 1206 – Extension – Fog & Scrub Seal – Ergon, Inc.**

Commissioner Marchman made a motion to extend the bid with Ergon, Inc. for fog and scrub seal for one (1) year. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

**Bid No. 1265 – Gas & Diesel**

John Lang, County Engineer, stated B&B Petroleum was the low bidder and recommended awarding the bid. Commissioner Watson made a motion to award the bid for gas and diesel to B&B Petroleum. Commissioner Marchman seconded. The motion carried on a unanimous voice vote.

**Bid No. 1266 – Aggregate**

John Lang, County Engineer, stated three bids were received. He would like to split the bid between Blount Springs and Madison Materials based on the job location and hauling distance. Commissioner Marchman made a motion to award the bid for aggregate based on the engineer's recommendation. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

**CHANGE IN COMMISSION MEETING DATES**

Chairman Walker announced due to the special election for the U.S. Senate race the commission meeting room will be in use as a polling location. The following list of changes in the Commission's schedule for the remainder of 2017 was published and posted:

**NEW DATES**

Tuesday, August 8, 2017  
Thursday, August 31, 2017  
Tuesday, September 12, 2017  
Thursday, October 5, 2017  
Tuesday, October 24, 2017  
Tuesday, November 14, 2017  
Tuesday, November 28, 2017  
Thursday, December 14, 2017  
Thursday, December 28, 2017

**DATES CANCELED**

Tuesday, August 22, 2017  
Tuesday, September 26, 2017  
Wednesday, October 11, 2017  
Tuesday, December 12, 2017  
Wednesday, December 27, 2017

**WORK SESSION**

The Commission will hold a Work Session on Tuesday, August 8, 2017 at 8:30 a.m. in the commission conference room.

**NEXT REGULAR COMMISSION MEETING AUGUST 8, 2017**

Chairman Walker announced the next commission meeting will be Tuesday, August 8, 2017 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 and the meeting was adjourned at 10:37 a.m.

/s/ \_\_\_\_\_  
Kenneth Walker,  
Chairman

/s/ \_\_\_\_\_  
Kerry Watson,  
Associate Commissioner

/s/ \_\_\_\_\_  
Garry Marchman,  
Associate Commissioner