

**CULLMAN COUNTY COMMISSION MEETING**  
**March 26, 2019**

**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.O. Parker. Phyllis Little led the Pledge of Allegiance.

**APPROVE MINUTES OF THE MARCH 12, 2019 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Marchman made the motion to approve the minutes from the March 12, 2019 Commission Meeting; approve appropriations, expenditures, personnel actions, payroll, requisitions and all journal entries to be posted. Commissioner Watson seconded the motion which passed on a unanimous voice vote.

**PUBLIC COMMENTS/UPDATES**

**Joyce Echols**, CARTS Director, invited the Commissioner to the annual Prayer Breakfast which will be held on Wednesday, May 1 at Top of the Town.

Several residents attending the meeting took opportunity to ask questions and voice concerns regarding the new half-cent sales tax approved at the March 12<sup>th</sup> commission meeting.

**Ben Ponder**, a local realtor, addressed the Commission. "The public wasn't notified. You guys raised taxes on us within a week," (*Mr. Ponder was making reference to the one-half cent education sales tax*) I want transparency...I'd probably even support it, if you would have explained what the need was. But I don't support it being rammed down my throat. This comes right on the back of the whole gas tax increase. (*He was referring to the ten cent per gallon tax statewide tax passed by the legislature this month.*) "Immediately after that, we get another tax that was automatically approved here with this sales tax, with no prior discussion or any kind of notice to the public about why we need to spend more money. You even admitted it: you (*the commissioners*) don't know where they're spending the money. That's frustrating." He asked for a by-the-numbers explanation of how revenues raised from the tax will be spent. Tax revenue is expected to be about \$5.4 million.

Chairman Walker referred Mr. Ponder to the county school board. The County Commission will not control what happens to the revenue. The Cullman County Sales Tax Office will collect the tax, just as they collect other school taxes, and will issue the payment to the school board. The school board has full discretion over how to allocate the funds over the 15-year duration of the tax.

Mr. Ponder went on to ask for more transparency. He suggested the commission, which meets on the second and fourth Tuesday of the month at 10 a.m., hold one of its monthly meetings in the evening to allow more people an opportunity to attend.

He also questioned the recent pay raise approved for Cullman County Engineer John Lang, saying, "We're voting in raises when I can't drive down our roads to pick up my daughter."

Lang addressed the increase in pay stating, "This was brought up in conjunction with a separate pay raise that the County wanted to have like jobs with like responsibilities to have comparable pay grade positions. As part of that, it spurred my inquiry as to what county engineers across the state were making. I received a list from ALDOT (Alabama Department of Transportation) and I was significantly lower than the state average for county engineers. Include the assistant county engineer, too, because that list is also maintained, and he was within \$1,000 of average pay for that. Seventy percent of my salary is paid by ALDOT and 50 percent of the assistant's is paid by ALDOT."

Residents of County Road 18, Jerry Light and David Hay, expressed frustration with their road's condition. Residents said they had been hopeful that County Road 18 would be repaved for the past two years. After a brief discussion about the lack of progress and the increase in dangerous potholes, Marchman spoke to his constituents. "I know roads are a downfall that we have as a commission. We don't have all the resources we need to do the job that we need to do when it comes to roads. I'll be the first to sit up here and say I haven't always made the right decisions when it comes to things. You know, I'll tell you right now that I've made wrong decisions since I've been a commissioner, but one thing that I do is I do put my heart in what I do. I believe we can improve the way we do business, but it's not going to be done until we find more resources to put into our roads."

Questions were also asked about the County's part in road improvement for the Rock the South festival. Chairman Walker explained the Commission approved the traffic flow plan for the event. Any improvements, such as striping, will be paid by Rock the South organizers. Road inspections will be done before and after the event and the organizer will also be responsible for repair of any damages done during the event.

**NEW BUSINESS**

**Proclamation – Child Abuse Prevention Month 2019**

The County Clerk read the proclamation and it was presented by the Commissioners to Javon Daniels and Nancy Bryant from Cullman Caring for Kids. Commissioner Watson made a motion to approve the proclamation for Child Abuse Prevention Awareness Month. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

Mr. Daniels from Cullman Caring for Kids stated Cullman County DHR had 974 cases of child abuse or neglect reported in the county last year. This is not acceptable and we are the only ones that can protect the children.

**Consider approval of a public gathering at the front of the Courthouse for a Prayer Walk by Cullman Caring for Kids to bring awareness to child abuse prevention on April 11, 2019 from 12:00-1:00**

Commissioner Marchman made a motion to approve the use of courthouse property for a Prayer Walk on April 11, 2019 to bring awareness to child abuse prevention. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

**Public Hearing – Vacating County Road 1614 located in the Town of Berlin**

Commissioner Watson made a motion to open the public hearing which was seconded by Commissioner Marchman. Chad Floyd, County Attorney, explained the County original looked at vacating County Road 1614 over a year ago. During the process, citizens voted to incorporate the Town of Berlin and the County stopped proceeding because the road lies within the corporate limits of Berlin. The town has now come back to the County and requested the road be vacated since they are not going to take over the maintenance of municipal roads until sometime in 2020. He stated newspaper ads have been run and all utilities have been notified. There have been no objections brought to the Commission. The County Engineer stated he has no opinion on the issue since it will not affect traffic flow. John and Amy Corder, the petitioners, were in attendance and stated the County has not maintained the road and it has become an area for drug use. There were no other public comments. Commissioner Watson made a motion to close the public hear and the motion was seconded by Commissioner Marchman.

**Resolution 2019-14 - Vacation of a Portion of Cullman County Road 1614**

Commissioner Marchman made a motion to approve the vacating of a portion of County Road 1614 as described in the resolution. Commissioner Watson seconded. Upon a unanimous vote, the motion carried.

**Approve Proclamation to Terminate Existence of Local State of Emergency**

Phyllis Little, EMA Director, stated the cost of clean-up from the storm is a little over \$12,000. John Lang, County Engineer, stated all debris has been picked up. Commissioner Watson made a motion to terminate the existence of a Local State of Emergency. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

**Resolution 2019-15 - Relocation of the Voting Place for Precinct 33 from Baldwin Community Center to Baldwin Family Life Center**

Attorney Floyd explained the Baldwin Chapel Cumberland Presbyterian Church has built a new center next door to the current voting location at the community center. The County has received a request for the relocation. Commissioner Marchman made a motion to approve the relocation of the voting place for Precinct 33 from Baldwin Community Center to Baldwin Family Life Center. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Resolution 2019-16 – Requesting Attorney General Opinion under Section 36-15-1 of the Code of Alabama (1975)**

Chad Floyd, County Attorney, explained last year the citizens voted to base the Sheriff's pay equal to that of the Probate Judge. Previously, retired supernumerary Sheriffs receive 65% of his retirement salary as a supernumerary benefit. The question is whether the supernumerary payment is to be 65% of the current sheriff salary or a percentage. Commissioner Watson made a motion to approve the resolution requesting an Attorney General Opinion under Section 36-15-1 of the Code of Alabama (1975). Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Resolution 2019-17 - Relocating the Voting Place for Voting Precinct 5 Stouts Mountain Baptist Church**

Attorney Floyd stated a request has been received from the Stouts Mountain Baptist Church requesting the voting location be moved. They have built a new fellowship hall and requested the location be moved from the old fellowship hall. The new facility has a different E-911 address. Commissioner Marchman made a motion to approve the relocation of the voting place for Precinct 5 Stouts Mountain Baptist Church to the new fellowship hall. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Consider authorizing payment to the ACCA Workers Comp for addition payment of \$8,776.54 resulting from an audit of the payroll period from 10-1-17 to 10-0-1-18**

Gary Teichmiller, County Administrator, stated annual workers comp premiums are based on estimated payroll totals. An audit is done at the end of the fiscal year and adjustments are made. Commissioner Watson made a motion to approve the payment of \$8,776.54 to the ACCA Workers Comp Liability fund. Commissioner Marchman seconded and the motion passed on a unanimous voice.

**Consider approval of up-grade to time and attendance software from Gorrie-Regan – Cost \$5,000**

Ken Walling from the IT Department reported the current software system for time and attendance is no longer going to be supported and is being phased out. The new system will be cloud based. Commissioner Watson made a motion to approve the new attendance software from Gorrie -Regan at a cost of \$5,000. Commissioner Marchman seconded. Upon a unanimous voice, the motion passed.

**Consider awarding the bid for the roof replacement for the Water/EMA Building**

Frank Fagg with F&O Architects stated two bids were received. Willoughby Roofing had the low bid of \$190,725. Commissioner Watson made a motion to approve the bid for the replacement of the roof for the Water/EMA Building which was damaged in last March's hail storm. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

**Consider approval of Annual Spring Clean-Up for “Free Dump Day” during the month of May**

The annual spring clean-up is sponsored each year to give residents an opportunity to dispose of trash and unwanted items. Each sanitation customer will receive a certificate in their next utility bill from Cullman Electric Coop for one free trip to the landfill. Commissioner Marchman made a motion to approve the “Free Dump Day” for the month of May. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Consider a request from the Festhalle Market Committee for \$3,000**

Commissioner Watson made a motion to approve \$3,000 for the 2019 seasonal operation at the Festhalle Market. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Consider surplus of body cooler at the Coroner’s Office to be sold to Lawrence County for \$2,000 and the acceptance of the donation of a body cooler from Shelby County**

Coroner Jeremy Kilpatrick requested a three-body cooler be surplused and sold to Lawrence County for \$2,000. Shelby County has a six-body cooler they want to donate to Cullman County. He thinks the sale of the smaller cooler will cover the cost to transport and install the cooler from Shelby County. Commissioner Marchman made a motion to approve the surplus and sale of the body cooler to Lawrence County and accept the donation from Shelby County. Commissioner Watson seconded. Upon a unanimous voice, the motion passed.

**Consider the purchase of a replacement 4-ton unit for the POB Building – Richard Electric Co., Inc. \$7,950**

Commissioner Watson made a motion to approve the purchase of a replacement 4-ton unit for the POB Building from Richard Electric Co., Inc. at a cost of \$7,950. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Bid No. 1303 – Security System for Water and EMA Building**

Phyllis Little, EMA Director, state two bids were received with Sharp Communication having the low bid. Ms. Little, the Water Department Manager, and two members of the IT Department have reviewed the bid and recommend going with Sharp Communication. This will be paid by a 100% reimbursable grant from DHS. Commissioner Marchman made a motion to approve the replacement of the security system for Water/EMA Building. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**Bid No. 1304 – Computer Equipment**

Ken Walling from the IT Department stated three bids were received. TSA, Inc. was the low bidder for HP computer equipment. Commissioner Watson made a motion to award the bid for computer equipment to TSA, Inc. Commissioner Marchman seconded the motion which was passed on a unanimous voice vote.

**Bid No. 1306 – Micro Surfacing**

John Lang, County Engineer, stated one bid was received. The County does not currently have plans to use the bid, but it will be in place for municipalities who have expressed interest in using the product this year. Commissioner Marchman made a motion to award thee bid for micro surfacing to Whitaker Contracting, the sole bidder. Commissioner Watson seconded. The motion passed on a unanimous voice vote.

**WORK SESSION**

The Commission will hold a Work Session on April 9, 2019 at 8:30 a.m. in the commission conference room.

**NEXT REGULAR COMMISSION MEETING TUESDAY, APRIL 9, 2019**

Chairman Walker announced the next commission meeting will be Tuesday, April 9, 2019 at 10:00 a.m. in the commission meeting.

**ADJOURN THE MEETING**

Commissioner Watson made a motion to adjourn the meeting. Commissioner Marchman seconded and the meeting was adjourned at 10:45 a.m.

/s/  
Kenneth Walker,  
Chairman

/s/  
Kerry Watson,  
Associate Commission

/s/  
Gary Marchman,  
Associate Commissioner