

**CULLMAN COUNTY COMMISSION MEETING  
APRIL 23, 2019**

**CALL TO ORDER AND WELCOME**

Chairman Walker called the Commission Meeting to order at 10:02 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 Charles Freeman. Cherrie Haney led the Pledge of Allegiance.

**APPROVE MINUTES OF THE APRIL 9, 2019 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Watson made the motion to approve the minutes from the April 9, 2019 Commission Meeting; approve appropriations, expenditures, personnel actions, payroll, requisitions and all journal entries to be posted. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

**PUBLIC COMMENTS/UPDATES**

Cherrie Haney, President of PALS, announced the annual spring clean-up day will be April 27<sup>th</sup> from 8:00- 12:00. There will be dumpsters located in municipalities around the county.

**NEW BUSINESS**

**Public Hearing – Vacating County Road 821**

Commissioner Marchman made a motion to open the public hearing concerning the vacating of County Road 821. Commissioner Watson seconded. Attorney Floyd gave a history of why the section of road is being vacated. In February 2018 the bridge was damaged by an 18-wheeler. On June 26, 2018, settlement in the amount of \$188,742 was received from the trucking company's insurance. On February 25, 2019, County Engineer John Lang received a petition signed by thirteen land owners requesting the road be vacated. On March 12, 2019 the Commission set a public hearing date. Notice has been published in the *Tribune* for four consecutive weeks. Notifications were sent to property owners and utility companies. There have been no written responses received by the County.

Edwin Calvert addressed the Commission with his concerns about the proposed closing of the bridge on County Road 821. He stated the bridge needs to be replaced. There is a concern on the response time for emergency personnel. With the bridge in place response time is about two minutes vs. six minutes to detour the 3.9 miles. The same will be true for sheriff response times. Currently, both sides of the bridge have illegal gates in place. This is the only logical place for a bridge and at some time in the future a bridge will need to be built and it will cost more than if it is done now. He proposed an option of the County receiving bids to buy the described property; he would like to bid on it and would then give it to the County when they repair the bridge. He stated the bridge did not need to be replaced but could be repaired.

He also asked where the insurance proceeds went since the County was not going to repair the bridge. He was told it went into the gasoline fund for general road projects.

Jeremy Noe, a property owner, stated he was in favor of vacating the road. It has become a gathering spot for teenagers and a dumping spot for trash. Since the bridge has been closed the problem has gone away.

Vern Davidson, a resident in the area, stated there was not a problem with trash and he did not see the need to vacate the road.

Attorney Floyd asked the County Engineer, John Lang, if he had evaluated the road/bridge. Mr. Lang stated the bridge was already posted at a 3-ton limit prior to the trucking accident. This weight will not support most emergency vehicles (fire trucks or ambulances). The County evaluated the bridge and felt it was not salvageable. ALDOT's Emergency Response Team was also called in to inspect the bridge and they agreed the bridge would need to be replaced. There have been multiple requests by residents and the traffic volume does not support the cost of replacement of the bridge. Adjacent property owners, Cullman Timber Partners and Jeremy Noe, have given property for the building of a cul-de-sac turn on each side of the bridge. No access will be denied to any property owner.

There being no further comments, Commissioner Marchman made a motion to close the public hearing. The motion was seconded by Commissioner Watson and passed on a unanimous voice vote.

**Resolution 2019-19 – Vacating a Portion of County Road 821**

Commissioner Watson made a motion to approve the vacating of a portion of County Road 821. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

**Authorize Revenue Commissioner Barry Willingham to enter into a Personal Property Audit Services Agreement with Tax Management Associates, Inc.**

Barry Willingham, Revenue Commissioner, stated the agreement is for a third-party audit of businesses. The company charges a flat fee based on the value of the company so there is not an incentive to find additional taxes due in order to increase their revenue. Commissioner Marchman made a motion to approve the signing of the agreement for a personal property audit service with Tax Management Associates, Inc. for tax audits for the Revenue Office. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

**Commissioner Watson to appoint Randa Duke to the Department of Human Resources Board to fill the unexpired term of Katherine Morgan, term to expire 5-15-2022**

Commissioner Watson made a motion to appoint Randa Duke to the Department of Human Resources Board to fill the unexpired term of Katherine Morgan, for a term expiring 5-15-2022. Commissioner Marchman seconded the motion which passed on unanimous voice vote.

**Resolution 2019-18 – Set Speed Limit on Portion of County Road 71 at 30 MPH**

John Lang, County Engineer, stated the portion of the County Road 71 under consideration was recently accepted into the County's maintenance system. Residents have requested a speed limit be posted. Following his inspection, he recommended a 30 MPH speed limit. Commissioner Marchman made a motion to set the speed limit on the portion of County Road 71 at 30 MPH. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

**Consider the surplus of various computer equipment from Forestry Service**

Chairman Walker stated the equipment at the Forestry Service is old and not serviceable. Commissioner Watson made a motion to surplus the computer equipment for disposal. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

**Consider approval of repairs to the AS-400 system- Estimated cost \$18,050**

Ken Walling from the IT Department informed the Commission parts and labor for the repair of the AS-400 computer system are estimated at \$18,050. This may vary due to the labor cost for the final project. Commissioner Marchman made a motion to approve the expenditure for the repairs of the AS-400. Commissioner Watson seconded and the motion passed on a unanimous voice vote.

**Consider awarding the Bid for the Fireproofing Replacement at the Detention Center**

Frank Fagg from F&O Architects stated the bid is part of the continuation of repairs to the jail following the hail storm last March. Only one bid was received from Simpson Plastering, LLC at \$371,997. They were the original installers when the building was built. Commissioner Watson made a motion to award the bid for the fireproofing replacement to Simpson Plastering, LLC. Commissioner Marchman seconded the motion which passed on a unanimous voice vote.

**Consider award the Bid for Ceiling Replacement at the Detention Center**

Mr. Fagg from F&O Architects reported there were two bids for the ceiling replacement, regular and security ceiling, at the jail. Straightline Drywall & Acoustical was the low bidder. Commissioner Watson made a motion to award the bid for the ceiling replacement to Straightline Drywall with a bid price of \$538,807. Commissioner Marchman seconded. The motion passed on unanimous voice vote.

**Resolution 2019-20 - Repealing the ½ Cent Sales Tax for Education passed on March 12, 2019**

*(On March 12, 2019, Resolution 2019-12 was passed imposing a ½ cent sales tax for education in Cullman County which passed on a 2-0 vote with Commissioners Watson and Marchman in favor of passage and Chairman Walker not voting. Originally, when the tax was proposed, Superintendent Shane Barnette had presented to the Commission the tax would be used for security, SRO deputies and upgrades and maintenance of buildings. Days later, Project X was unveiled by the County School Board which was the building of a \$30 million sports complex north of Cullman. Since that time, there has been public concern about the speed and transparency of the action and several municipalities have expressed opposition to the tax. Following the public outcry, the School Board shelved plans for the sports complex and said all funding from the tax would go to facilities and safety. Pages 548/551)*

Commissioner Marchman stated he requested the consideration of the repeal of the education tax be placed on the agenda. There are multiple reasons why the tax needs to be repealed but "I think the biggest way to explain this is, what we had originally talked about is not going to come into play right now." He made a motion to repeal the sales tax and possibly look at it another date.

Attorney Floyd asked for clarification, "Your motion is to repeal Resolution 2019-12 which was passed on March 12, 2019 that imposes the ½ cent sales tax?" Commissioner Marchman affirmed that was his motion.

Ms. McHenry, a resident, asked if the sales tax money could be used to fund the library. She was informed it could not. Taxes passed by the Commission can only be used for public education.

Chairman Walker stated he did not vote last month when the tax was imposed. It was not because he was not in favor of or think the schools need additional funding, but believes that if there is a tax passed it should be on a vote of the people. He proposed the School Board look at having the tax placed on the March primary ballot next year and have the electorate vote. He seconded the motion.

Commissioner Marchman and Chairman Walker vote "aye" on the motion. Commissioner Watson did not vote. The motion passed on a 2-0 vote.

**WORK SESSION**

The Commission will hold a Work Session on May 21, 2019 at 8:30 a.m. in the commission conference room.

**NEXT REGULAR COMMISSION MEETING TUESDAY, MAY 21, 2019**

Chairman Walker announced the next commission meeting will be Tuesday, May 21, 2019 at 10:00 a.m. in the commission meeting.

**ADJOURN THE MEETING**

Commissioner Marchman made a motion to adjourn the meeting. Commissioner Watson seconded and the meeting was adjourned at 10:34 a.m.

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

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

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