

**CULLMAN COUNTY COMMISSION MEETING**  
**September 24, 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**

Meleigh Sullivan 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 Cullman County Water Department Manager, Randall Waldrep. Dusty Baker, Commission on Aging Director, led the Pledge of Allegiance.

**APPROVE MINUTES OF THE SEPTEMBER 10, 2019 MEETING; APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS AND ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Watson made the motion to approve the minutes from the September 10, 2019 Commission Meeting; approve appropriations, expenditures, personnel actions, payroll, requisitions and all journal entries to be posted. Commissioner Marchman seconded. The motion passed upon a unanimous voice vote.

**PUBLIC /UPDATES**

No public comments were made.

**NEW BUSINESS**

**Public Hearing – Consider Petition filed by Alan Merz, Bill Whisenhunt, and Ellesha Whisenhunt to Vacate a portion of Cullman County Road No. 319**

Commissioner Marchman made a motion to open the public hearing which was seconded by Commissioner Watson. The motion passed on a unanimous voice vote.

Chad Floyd, County Attorney, explained on June 10, 2019, the Commission Office received a Petition to Vacate a portion of Cullman County Road 319. This original petition proposed to vacate 0.07 acres of land. On July 19, 2019, the Commission Office received a letter signed by Ellesha Whisenhunt withdrawing the original petition that was filed on June 10, 2019 and received a new and revised Petition to Vacate 0.05 acres of land. On July 23, 2019, the Petition to Vacate was placed on the Commission meeting agenda to inform the Commission of the filing of the petition. It was on July 23, 2019, the public hearing was set for September 24, 2019. Mr. Floyd also stated the newspaper ads had ran, all utilities and abutting land owners had been notified by first class mail, and a public hearing notice was posted in the Cullman County Courthouse at the entrance by the rear door. Mr. Floyd presented the Commission and everyone in attendance a few photos showing exactly what land was being proposed to be vacated.

**Champ Crocker**, Attorney representing Alan Merz, Bill Whisenhunt, and Ellesha Whisenhunt, stated he and his clients agreed with everything County Attorney, Chad Floyd, had presented and appreciated the imagery that was presented. Mr. Crocker also stated that the petitioners stand on their petition which states this will not have an adverse effect on anyone. The petitioners' retaining wall is currently encroaching on the road and that is a problem for them as it decreases the value of their home and vacating this portion of the road would be the best solution. Mr. Crocker ask the Commissioners to consider the request.

**Dr. Mark Farmer**, a resident of County Road 319, addressed the Commission and explained he wanted to make it clear that there is no intention and no desire for the petitioners to move their home. The residents of County Road 319 just want a turn around. UPS, FedEx, and Concrete trucks have no place to turn around. This was originally set up as a turn around and would work great if it was functional. If you take 0.05 acres of land, that does not sound like much but if you take 1/3 of the turnaround, then there is no place for the traffic on County Road 319 to turn around and that causes major problems. Dr. Farmer stated this petition only serves the petitioners and not the community and that's the residents of County Road 319's objection.

**Tom Beason**, a resident of County Road 319, explained to the Commission he agreed with Dr. Farmer, there is no desire to make the petitioners move their home. Mr. Beason stated he would like to know what the County proposes to do in regard to the turn around. Recently two (2) contractors were on County Road 319 in fairly large vehicles and had a hard time turning around in what is currently there, and if a 1/3 of that is taken away, you will not be able to turn around.

**Michael Willingham**, explained he has lived on County Road 319 off and on since 1976 and permanently since 1999. He stated he had one question for the Commissioners and asked if any of them had read the covenants Mr. Speegle put together when he established the subdivision. Chairman Walker stated no, he had not. Mr. Beason then began to read paragraph 18 of the covenants stating, all roads and provisions for turnaround traffic are for use of all adjoining land owners. Together with common access to Smith Lake over an area of 30 feet wide being 15 feet evenly off the West side of lot 10 and 15 feet off the East side of lot 11. As Dr. Farmer and Mr. Beason stated, we have no desire to ask the petitioners to move their home, we just want a turnaround and access to the lake. Speegle's is now a closed marina and is closed to the public, so you cannot launch a boat. Mr. Willingham also stated he has seen signs that say "School Bus Turn Around", and asked if he were to sell his home to someone who has children who needed to ride the bus, is the Commission going to deny the school bus.

**Attorney Champ Crocker**, addressed the Commission again and stated what Mr. Willingham spoke of from the covenants, and asked County Attorney Chad Floyd to put up the picture of the property for everyone to see, the area between lot 10 and lot 11. The covenants, which were established in 1970's, do say the members of this subdivision will have access taking 15 feet from the West of lot 10 and 15 feet from the East lot 11 but nothing has ever been done about that. The

covenants do not say who is going to pay for it or how it is going to be done. Mr. Crocker stated whatever is going to happen regarding the access, should be a separate issue different from the Petition to Vacate 0.05 acres.

Residents of County Road 319, Jerome Speegle and Gara Gray, both spoke of the same issue regarding where residents will be able to turn around.

**Chairman Walker**, addressed the public and explained today was just for the public hearing and to be able to hearing everyone's opinions and concerns. Chairman Walker stated he believed it would be best to wait two (2) weeks for the Commission to make a decision instead of making a sudden motion and second. By waiting it would give the Commission time to take in all comments that were made. Chairman Walker stated a decision would be made in the October 8, 2019 Commission Meeting.

Commissioner Marchman made a motion to close the public hearing. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

**Set Public Hearing to consider vacating a portion of Cullman County Road No. 597 / Nancy Street in the Gilleyville subdivision for Tuesday, November 26, 2019 at 10:00 a.m**

Chad Floyd, County Attorney, addressed the Commission and explained Lavell Thrasher had submitted a survey and requested that the County Commission consider vacating a portion of County Road 597/ Nancy Street in Gilleyville subdivision. Mr. Floyd recommended that the Commission set a public hearing for November 26, 2019 at 10:00am and that would give enough time for all utilities and abutting land owners to be notified of the public hearing. Commissioner Watson made a motion to set the public hearing for the proposed vacation of County Road 597 formerly known as Nancy Street on November 26, 2019. Commissioner Marchman seconded. The motion passed on a unanimous voice vote.

**Consider approval of FY-2020 ACCA Workers' Compensation Self Insurers Fund in the amount of \$526,310 and the FY-2020 ACCA Liability Self-Insurance Fund in the amount of \$395,726**

Gary Teichmiller, County Administrator, explained to the Commission the annual premiums for the FY-2020 ACCA Workers' Compensation and the ACCA Liability Self-Insurance has increased \$12,000 over the current premiums. We will receive dividends, refunds, and longevity bonuses of \$106,000. The actual net change in cost is \$94,000. Commissioner Marchman made a motion approving the FY-2020 ACCA Workers' Compensation in the amount of \$526,310 and the FY-2020 ACCA Liability Self-Insurance in the amount of \$395,726. Commissioner Watson seconded and the motion passed upon a unanimous voice vote.

**Consider expansion of benefits provided through Mutual of Omaha (Life, Critical Illness, Short Term and Long Term Disability Insurance). Estimated cost \$217,193 annually. To be effective 1/1/2020**

Judy Bradford, Human Resources Manager, addressed the Commission and stated Mutual of Omaha provides a small life insurance policy for employees. We want to expand our existing benefits to include other insurance products. Ms. Bradford also stated right now we have a very limited benefit package and we are competing with other employers who offer more benefits. The estimated cost would be a little over \$217,000 but would be offset by some other things that Human Resources is looking at asking the Commission to consider. Ms. Bradford is recommending the expansion being affective January 1, 2020 so this could be rolled out during open enrollment for FY-2020 and be able to get all the necessary paperwork back. Commissioner Watson made a motion approving the expansion of benefits provided through Mutual of Omaha. Commissioner Marchman seconded and the motion passed on a unanimous voice vote.

**Consider plan design changes for county medical insurance through Blue Cross Blue Shield of Alabama and adjust employee insurance contributions to offset ongoing increases in county insurance costs. Estimated savings \$519,038 annually. To be effective 1/1/2020**

Human Resources Manager, Judy Bradford, stated she would recommend that the Commission consider the plan designed changes for county medical insurance through Blue Cross & Blue Shield of Alabama and adjust the employee contributions to offset the ongoing increase to the County insurance costs. The estimated savings annually would be \$519,038. Ms. Bradford also stated, it has been several years since any adjustments have been made. The County has a very rich medical insurance plan that is self-insured and as the County's cost continues to go up, the County has not passed any of the cost on to employees. Human Resources put together some suggestions on how to cut some of the cost, \$365,000 of the savings will come from plan designed changes and \$154,000 would come from increasing the employee's contribution. As of now, the split from what the county pays and what employees pay toward insurance is: County pays 93% and employees pay 7% on single coverage, and County pays 86% and employees pay 14% for family coverage. Implementing the employee increase, it would change the County's portion to 92% and employees' portion to 8% for single, and County's portion to 85% and employees' portion to 15% for family. Ms. Bradford recommended the change going into effect on January 1, 2020. Commissioner Marchman made a motion approving the plan design changes and the adjustment to the employee insurance contribution. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

**Consider expanding the county employee compensation plan to add military and education incentives if economically feasible. To be effective 1/1/2020**

Judy Bradford, Human Resource Manager, addressed the Commission and explained in the past the County has considered expanding the employee compensation plan to add military and education incentives if economically feasible. These compensations are becoming more common with government and municipality employers, and especially with Law Enforcement. In 2017 the County requested information from the County employees on who had military and education background but that would need to be updated to see if the employee compensation would be affordable. Ms. Bradford also explained once information is received from employees on who are eligible, if economically feasible, the employee compensation would go into effect on January 1, 2020. Commissioner Watson made a motion approving the expansion of the county employee compensation plan to add military and education incentives. Commissioner Marchman seconded and the motion passed upon a unanimous voice vote.

Ms. Bradford also wanted to inform the Commissioners and the public of a matter that was not on the agenda. This year Legislature passed Act 2019-32 which placed guidelines for allowing County and Municipalities to move Tier 2 employees to Tier 1 employees, which is a better retirement plan. Ms. Bradford stated she believed the County does plan to move Tier 2 employees to Tier 1, once the RSA addresses all guidelines and how much the projected cost would be for the County and Municipalities to switch employees over. The County Commissioners did not vote upon this matter at this time.

**Consider adjustment to water rates to all customers of Cullman County Water Department beginning FY-2020 – 10% increase based on recommendation of St. John & Associates, Inc**

Randall Waldrep, Water Department Manager, explained to the Commission, due to the rising cost of wholesale water by the City of Cullman, he had St John & Associates, Inc., to do a rate study to see what the County's water rates needed to be. Mr. Waldrep recommended beginning FY-2020 the County raise water rates based upon the results of the study conducted by St John & Associates.

**David Haynes** from St John & Associates addressed the Commission and stated a proposed rate increase of 10% is in response to the wholesale rate increase by the City of Cullman of 11.2% in the last fiscal year and also have a forecasted rate increase from the City of Cullman of 8% for the coming fiscal year 2020. Mr. Haynes stated the 10% increase is relatively modest and this is the basis of his recommendation. Commissioner Marchman made a motion to approve the 10% increase to Cullman County water rates for FY-2020. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

**Amend one item to correct an error in the minutes from the August 27, 2019 Commission Meeting**

Chad Floyd, County Attorney, explained to the Commission on August 27, 2019 a Commission Meeting was held and in that meeting the Commission considered an additional appropriation of \$65,000 for the Cullman Regional Airport and the way the vote happened, Commissioner Marchman was in favor of it but chose to abstain from voting. The minutes from August 27, 2019 reflect that there was a unanimous voice vote from all three, when in fact Commissioner Marchman abstained from a vote. Mr. Floyd stated it was his recommendation for approval that the minutes be corrected to show the affirmative votes came from Commissioner Watson and Chairman Walker with Commissioner Marchman abstaining. Commissioner Watson made a motion approving the August 27, 2019 minutes to be corrected. Commissioner Marchman seconded. The motion passed upon a unanimous voice vote.

**Authorize County Engineer to sign HSIP Applications for County Road 1114 and County Road 1301**

John Lang, County Engineer, addressed the Commission and explained County Road 1114 and County Road 1301 are two (2) curve areas in the County where we have had a high concentration of injury related crashes. As a proposed solution from an outside firm, Mr. Lang would recommend he sign the HSIP applications and send them in. Mr. Lang also stated there is no out-of-pocket expense unless the projects were to be funded. Commissioner Marchman made a motion authorizing County Engineer to sign HSIP applications for County Road 1114 and County Road 1301. Commissioner Watson seconded. Upon a unanimous voice vote, the motion carried.

**BID No. 1316- Motor Oil, Hydraulic Oil, Transmission Fluid and Grease**

County Engineer, John Lang, explained, in the work session County Garage Manager, Joe Perry, recommended that the bid be split between McPherson Oil and W.H. Thomas Oil. Commissioner Watson made a motion approving the bid for motor oil, hydraulic oil, transmission fluid and grease be awarded to and split between McPherson Oil and W.H. Thomas Oil. Commissioner Marchman seconded and the motion passed upon a unanimous voice vote.

**Consider approval of FY-2020 proposed budget of \$68,346,281**

Gary Teichmiller, County Administrator, explained to the Commission the FY-2020 proposed budget includes the general fund at \$22.8 million. Also, a \$.70 pay increase raising all County employees one (1) step on the pay grade bringing the County starting pay more in line with private employers and other municipalities. Within the proposed budget is \$1.5 million to replace the Cullman County Courthouse HVAC system and around \$300,000 for repairs to the Courthouse elevators. Commissioner Marchman made a motion approving the FY-2020 budget in the amount of \$68,346,281. Commissioner Watson seconded and the motion passed upon a unanimous voice vote.

**WORK SESSION**

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

**NEXT REGULAR COMMISSION MEETING TUESDAY, OCTOBER 8, 2019**

Chairman Walker announced the next commission meeting will be Tuesday, October 8, 2019 at 10:00 a.m. in the commission meeting room.

**ADJOURN THE MEETING**

Commissioner Marchman made a motion to adjourn the meeting. Commissioner Watson seconded and the meeting was adjourned at 10:35 a.m.

/S/ \_\_\_\_\_  
Kenneth Walker,  
Chairman

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

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