

**CULLMAN COUNTY COMMISSION MEETING
DECEMBER 09, 2008**

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:05 a.m. and welcomed all the guests to the meeting.

CALL OF ROLL TO ESTABLISH QUORUM, INVOCATION AND PLEDGE OF ALLEGIANCE

Phyllis Thiot, Secretary, called the roll; present were Chairman James Graves, Commissioner Doug Williams, Commissioner Wayne Willingham, and County Attorney Dan Willingham. The invocation was given by Dan Willingham and Commissioner

Doug Williams led the Pledge of Allegiance.

APPROVE MINUTES OF THE NOVEMBER 25, 2008 MEETING, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSE; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Wayne Willingham made the motion to approve the November 25, 2008 meeting minutes, approve appropriations, expenditures, requisitions, travel expense and approve all journal entries to be posted. Commissioner Doug Williams made a second to the motion and upon a voice vote, the motion carried unanimously.

PUBLIC COMMENTS

Mayor Kenneth Kilgo of West Point wanted to speak briefly about the Town of West Point and the Red Cross. Mayor Kilgo reported that the federal grant for sidewalks (\$184,000.00) and also the widening and resurfacing of County Road 1141 has been completed. Mayor Kilgo thanked the Commission for the assistance and support given to these projects and stated that the safety of the school children in West Point has been greatly enhanced as a result. It also adds to the infrastructure of the Town of West Point.

Mr. Kilgo, Director of the Cullman Red Cross, also expressed appreciation to the various municipalities and the County Commission for their financial support. He reported that the Red Cross has responded to sixty-two (62) local single family or multiple family disasters last year. The Red Cross has provided financial assistance to over 175 citizens of Cullman County in time of need; this assistance includes food, shelter, clothing, and medicines. Red Cross is proud of the work they do, but the job couldn't be done without the Commission support. The Red Cross tries to do what is best for Cullman County and to be a good steward of donated dollars.

In response to Chairman Graves question about the Red Cross Blood drives, Mr. Kilgo said the blood drives are "hit and miss" as Life South also conducts blood drives. Both Life South and the Red Cross are both great organizations. Mr. Kilgo also spoke about the fact that Bloodmobiles owned by the Red Cross are getting old and unreliable; therefore, the national Red Cross bio-medical services have mandated that fixed location sites be found in the community in order to reduce the need for replacing all the bloodmobiles. Mr. Kilgo stated that 2,000 units of blood were collected during this year; one unit saves three lives. There was discussion regarding a possible location for a fixed site for blood drives. Mr. Kilgo stated that it will be some time before a site is selected.

NEW BUSINESS

PASTOR BOB KURTZ WILL MAKE A PRESENTATION TO THE COMMISSION FOR THEIR PARTICIPATION IN THIS YEAR'S OKTOBERFEST

Pastor Bob Kurtz greeted the Commission in German, and then expressed the appreciation of the Oktoberfest Board for the Commission's consistent support of Cullman's Oktoberfest. The Oktoberfest has grown into a ten (10) day festival with visitors from five (5) countries and more than twelve (12) different states. The purpose of the festival is to promote the heritage, traditions, and values for Cullman and Cullman County. Those of us who live here think this is the most unique and blessed area.

On behalf of the Cullman Oktoberfest Committee, Pastor Kurtz presented the Cullman County Commission a certificate of appreciation; he restated that the consistent support of the Commission for Oktoberfest is greatly appreciated.

AUTHORIZE THE CHAIRMAN TO SIGN AN AGENCY AGREEMENT AND APPROVE RESOLUTION 2008-53 DESIGNATING THE OFFICE OF THE SECRETARY OF STATE AS CULLMAN COUNTY'S AGENT FOR THE POST CARD VOTER FILE MAINTENANCE PROGRAM.

County Administrator Gary Teichmiller stated that by allowing the state to handle this mass mail out will save the Office of the Probate Judge and the Board of Registrars additional work and upfront cost of postage. There is no objection by the Judge of Probate or the Board of Registrars for the Secretary of State to handle this; he recommends approval for Chairman Graves to sign the agreement.

Chairman Graves stated that the Secretary of State's Office does a fine job, is well equipped to handle this, and is ultimately responsible for seeing that the mail out is done. Chairman Graves asked for a motion.

Commissioner Doug Williams noted that all the Commissioners needed to sign the Resolution, but that was not stated in the item. County Attorney Dan Willingham advised that the motion should be for all the Commissioners to sign the resolution. Commissioner Williams made the motion for all to sign Resolution 2008-53 to make the Secretary of State the

Cullman County Agent. Commissioner Wayne Willingham made a second to the motion. Upon a voice vote, the motion passed unanimously.

MR. MICHAEL TUBBS, DIRECTOR OF THE COMMUNITY ACTION PARTNERSHIP OF NORTH ALABAMA TO DISCUSS THE NEW BY-LAWS OF THE PARTNERSHIP AND REQUEST COMMISSION APPROVAL

Mr. Tubbs stated that several months ago in an act of the board of the agency for Cullman County responded to an Alabama Department of Economic and Community Affairs (ADECA) edict that asked us to approve a new way of selecting board members, but the County Commissions of Cullman, Lawrence, and Morgan Counties need to approve the process.

Mr. Tubbs summarized the Community Action Partnership as an agency that has been around for forty-two (42) years. ADECA is the passive agency that has oversight over the Community Action Partnership which serves three counties. The Partnership is the recipient of Community Block Grant dollars and the only recipient in this area. The funds are used to stand up offices in all three counties. The office in Cullman County is able to serve several thousand limited income Cullman citizens each year through energy programs, weatherization programs, Head Start, Foster Grandparents program, and the Senior Companion program. The organization works with the Red Cross and United Way to serve all the municipalities and county residents.

The current board members in Cullman County are Randall Shedd and Dean McMinn who represent the Community Sector; Jerry Galin and James Fields who represent the Private Sector; and Leah Lust and Gordon Dunagan who represent the Elected Official Sector.

ADECA has asked for the by-laws to be reshaped as to the way board members are selected. The Community Action Partnership is proposing in the new by-laws that the representatives for the Community Sector be democratically elected people of the community. A notice will be posted, then we will go to the community (low or limited income), and they will choose their representative who will serve for five (5) years. The elected officials are given permission to choose one of those people and the community selects the other representative.

Mr. Tubbs' purpose today is to ask the Commission to approve the process of community elections for the Low-income Sector and to allow the Private Sector to remain the same (Jerry Galin and James Fields). The Commission can choose to leave Leah Lust in her board position or select another person to serve and allow the Mayor's Association to select a representative; that will make up the six members of the Board for Cullman County.

Chairman Graves asked if there is anything to promulgate it as far as suggestions as to how you would have someone run and be elected to represent the Low-income Sector.

Mr. Tubbs replied that the Community Services Block Grant (CSBG is a Congressional Act and funds the Community Action Agency) suggest that you have democratically elected choices. That means you have to post notices, go into the community, have meetings, take minutes, and then let the Community select their representative. The community can choose someone who lives in that sector and is not low-income; they can choose a pastor, a non-profit person, or someone who is an advocate for the low-income community if they reside in that community.

Chairman Graves asked if this election has to be done county wide. Mr. Tubbs said it would have to be a sector designated as a low-income sector. It could be a county-wide choice or it could be in an area that has a higher poverty rate than Cullman City proper. They would go into those areas and allow the community to choose. The meetings can be held in a church or local senior citizen center. This would be done between now and the middle of January if the Commission approves.

Chairman Graves stated he wants to pass it on to the County Attorney to review, also, and requested that a copy of the old by-laws be given to the attorney as well. After review by the attorney, the Commission will act on this at the next Commission Meeting.

Mr. Tubbs said he will supply a copy of the old by-laws and stated also that the approval needs to be by the end of the year. He also restated that the changes were prescribed by ADECA who approved them, the Board approved them in October, and he is currently seeking approval of the Commission in each of the three counties in order to fill the vacant spots on the Board.

Chairman Graves inquired about James Field's status. Mr. Tubbs said Mr. Fields has served five (5) years, the term limit; someone else will have to be selected to replace him.

Commissioner Doug Williams made a motion to table the item until the next meeting. Commissioner Wayne Willingham made a second to the motion, and upon a voice vote, the motion passed unanimously.

AUTHORIZE THE CHAIRMAN TO SIGN A GRANT AGREEMENT, NUMBER PDM-PJ-04-AL-2008-002 BETWEEN THE ALABAMA EMERGENCY MANAGEMENT AGENCY (AEMA) AND THE CULLMAN COUNTY EMA, TO PROVIDE PRE-DISASTER MITIGATION COMPETITIVE FUNDS.

Cherrie Haney of the Cullman County Economic Development Office and Randy Dunlap of the Cullman County Board of Education spoke to the Commission regarding the pre-disaster mitigation fund grant. The grant was written about 2 ½ years ago. It will require a resolution between the County Commission and the Board of Education that the county will handle the grant and sign the paperwork and the Board of Education will provide the matching funds.

Chairman Graves asked for details on the location. Ms. Haney said the building is located at the Career Center at Vinemont; it will be used as a multi-use building, but also used as a tornado shelter. It will meet the FEMA 351 requirement.

Mr. Dunlap said that to his knowledge, it is a 75/25 match grant. The federal government will provide the funds; we provide either additional funding, in-kind, or a combination to complete the grant. The school board hopes to be able to use

some land or other in-kind to limit use of financial resources. The grant will provide a facility in case of a disaster or tornado for the community to use; it would serve dual purpose. When not being used as a shelter, the facility could be used as a classroom as long as no permanent structures are put in to inhibit its use as a shelter.

Asked by Chairman Graves if this, then, is not to be a renovation project, Mr. Dunlap responded that this structure will be new. The Chairman asked about the building's location and Ms. Haney said it will be on the school campus, but the exact location has not been determined. Ms. Haney also said the proximity of the trailer park next to the school, other mobile homes in the area, and the school children were big factors in the grant. This is not a building just for the school, but for the public.

The grant is for \$1.6 million. The federal government will provide \$1.2 million and the school board will pay the remainder of the grant with funds or in-kind services. Mr. Dunlap said the school has a capital outlay fund that will be used to support the financial end of the grant.

County Attorney Dan Willingham said he will draft the resolution to reflect that the county will not have an economic expense, but will provide the flow-through for the funds.

Commissioner Doug Williams made the motion to approve the Chairman signing the grant agreement. Commissioner Wayne Willingham made a second to the motion; upon a voice vote the motion passed unanimously.

APPROVE RESOLUTION 2008-54 AUTHORIZING THE CHAIRMAN TO SIGN AGREEMENT BETWEEN ALDOT AND CULLMAN COUNTY COMMISSION COVERING THE COST FOR THE CONSTRUCTION OF TURN LANES AND ASSOCIATED IMPROVEMENTS TO SR69 FOR THE CULLMAN COUNTY-STONEY LONESOME OHV PARK. LENGTH 0.248 MILE PROJECT # ST-022-069-010 CCCP 22-66-08.

County Engineer Fred Penn explained that the Alabama Department of Transportation (ALDOT) is requiring the county to put in turn lanes at the OHV Park. Since ALDOT required the turn lanes, they are helping with the funding. Commissioner Williams talked to ALDOT about this, and ALDOT will provide \$100,000.00 which will be used for the turn lanes. Mr. Penn recommends approval for the Chairman to sign the resolution.

Commissioner Wayne Willingham made the motion to authorize the Chairman to sign the resolution. Commissioner Doug Williams made a second to the motion; upon a voice vote the motion passed unanimously.

CONSIDER GRANTING AN EXTENSION UNTIL JULY 1, 2009 FOR SURETY HELD BY THE CULLMAN COUNTY COMMISSION FOR PARKER ADDITION TO LAKEVIEW NORTH LOCATED IN DISTRICT 3 ON COUNTY ROAD 1567.

Keith Creel of the Engineering Department said that this is a subdivision that has eight (8) lots and the road is approximately 300' long. The road is based; the builder would like to pave it, but due to weather conditions, the paving has been delayed. Mr. Creel recommends granting the extension.

Commissioner Doug Williams made the motion to grant the extension. Commissioner Wayne Willingham made a second to the motion, and upon a voice vote, the motion passed unanimously.

CONSIDER EXTENDING THE TIRE BID #924 TO MCGRIFF'S TIRES FOR ONE YEAR.

Chairman Graves asked the County Administrator if it is correct that the Commission has the option to extend the bid. Mr. Teichmiller responded that a bid can be extended up to three (3) times.

Commissioner Wayne Willingham made the motion to extend the bid. Commissioner Doug Williams made a second to the motion and upon a voice vote the motion passed unanimously.

AWARD BID #981 FOR A VERTICAL CAROUSEL STORAGE UNIT TO MCMACKIN'S BUSINESS SYSTEMS INC

County Administrator Gary Teichmiller stated that other bids were also received and McMackins was the lowest bidder. Commissioner Williams asked if Personnel is where the vertical files are going. Mr. Teichmiller replied yes. Commissioner Wayne Willingham made the motion to award Bid #981 to McMackins. Commissioner Doug Williams made a second to the motion. Upon a voice vote the motion passed unanimously.

CONSIDER BID #935 FOR SKID STEER ATTACHMENTS FOR OHV PARK. RECOMMEND CANCELLING THE AWARD OF BID TO LOADER SERVICES & EQUIPMENT CO. AS THEY HAVE NOTIFIED US OF THEIR INABILITY TO FULFILL THE CONTRACT TERMS. CONSIDER AWARDING THE BID TO COWIN EQUIPMENT, THE NEXT LOWEST BIDDER. (\$4,935.60/5,074.00)

John Sellers, OHV Park Director, stated that under law the county does have the authority to award the bid to the next lowest bidder.

Commissioner Doug Williams made the motion to award the bid to Cowin Equipment. Commissioner Wayne Willingham made a second to the motion. Upon a voice vote, the motion passed unanimously.

OHV PARK DIRECTOR, JOHN SELLERS, WILL GIVE AN UPDATE ON THE OHV PARK

John Sellers requested a delay in opening the park which had been scheduled for the week of December 8, 2008. There were some delays in getting permitting from the Corps of Engineers which have now been approved, but in doing so caused a delay in getting gravel for the parking lot. Additionally, bad weather caused delays in graveling the road and parking lot as planned. Mr. Sellers requested that the park opening be tentatively rescheduled for December 27, 2008. The opening is contingent upon being able to gravel the road and parking lot.

Commissioner Wayne Willingham made the motion to extend the opening date to December 27, 2008. Commissioner Doug Williams made a seconded to the motion. Upon a voice vote, the motion passed unanimously.

Mr. Sellers said he appreciates the assistance the Road Department has given. He also gave an update regarding a permanent cell phone tower. The tower will be installed soon and should be in place by February or March.

The first corporate sponsor for the OHV Park is Classic Jeep. They have supplied a Jeep Wrangler for use in the park and Mr. Sellers wanted to recognize Classic Jeep for their outstanding support.

The Dodge City CB Radio Shop has supplied the park with CB radios so they can communicate with people in the park. Mr. Sellers also wants to recognize them for their excellent support of the park.

Commissioner Willingham stated that he wants to mention that the Cullman Electric Cooperative is working on installing hi-speed internet in the county so that everyone in the county will have access to the internet.

Approve exterior inspection and building repair of the courthouse: \$6,500.00

Gary Teichmiller, County Administrator said the agreement is with Mid Continental Restoration Company. They will replace two (2) marble panels on the north end of the Courthouse that are starting to detach. The Company will also pull panels in different locations to check the condition of the anchoring. This is being done as a precautionary safety measure and recommended that the Chairman sign the agreement. After a brief discussion, Commissioner Wayne Willingham made a motion to approve the exterior inspection and building repair of the Courthouse. Commissioner Doug Williams made a second to the motion. Upon a voice vote, the motion passed unanimously.

CONSIDER REQUEST BY SPORTSMAN LAKE PARK DIRECTOR TO DECLARE ONE (1) INTERNATIONAL TRUCK AND ELEVEN (11) PADDLE BOATS TO BE SURPLUS

The Commission held a short discussion regarding the poor condition of the truck and paddle boats. Commissioner Doug Williams made the motion to declare the International truck and 11 paddle boats to be surplus. Commissioner Willingham made a second to the motion. Upon a voice vote, the motion passed unanimously.

-

OLD BUSINESS

Commissioner Willingham stated that he wanted to address the safety concerns expressed at the last meeting regarding County Road 207. The signs were taken down because of safety concerns. We cannot make a dead end road one lane. County Attorney Dan Willingham stated that making the road one way would mean the road would have to go on through to another road. Since the road is a dead end, it has to have two-way traffic. The County engineer, Fred Penn, said what they would like to do is to widen the road to make it safer, but the county has to have right of way to widen it. Commissioner Willingham also noted that some of the houses are too close to the road to be able to widen it. Chairman Graves asked what the standard right of way is; Commissioner Willingham said that the minimum is 40 feet. There was additional discussion by Mr. John Culver regarding the road, and he asked the attorney to come look at the road.

Chairman Graves recognized Chris King, Sales Tax Office Director. Mr. King said that the Sales Tax Office will move, hopefully, in the next two weeks to the offices that were occupied by the EMA office in the basement of the Cullman County Office Building. Chairman Graves asked Mr. King to publicize the move of the Sales Tax Office.

A gentleman who did not identify himself to the Commission asked if the Community Action Agency was part of NARCOG. Chairman Graves stated that they are funded by the federal government; while they are not affiliated with each other, they do work together. Asked if the county pays dues to the Community Action Agency like they do to NARCOG, Chairman Graves replied that the county does not pay dues to them. The county sits on the Board to regulate it as does Morgan and Lawrence counties as Community Action is primarily concerned with low-income people. There was discussion as to how the local Red Cross works with Community Action in providing assistance on utility bills through funds collected from Operation Roundup. Chairman Graves commented that CARTS also plays a part in providing transportation for senior citizens who work in the various senior programs. Chairman Graves stated that many of these services need to be more publicized so that people will know where to get help.

NEXT COMMISSION MEETING

Chairman Graves announced that the next Commission Meeting will be held at 10:00 a.m., Tuesday, December 23, 2008, in the Commission Office Conference Room.

ADJOURN THE MEETING

The Commission Meeting was adjourned at 10:50 a.m. by Chairman Graves.

James Graves, Chairman

Wayne Willingham, Associate

Doug Williams, Associate