

**CULLMAN COUNTY COMMISSION MEETING**  
**September 8, 2009**

**CALL TO ORDER AND WELCOME**

Chairman James Graves called the Commission Meeting to order at 10:03 a.m. and welcomed the visitors.

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

Charlotte Slatton, County Clerk, called the roll; present were Chairman James Graves, Commissioner Doug Williams, Commissioner Wayne Willingham, and County Attorney Dan Willingham. The invocation was given by Attorney Willingham and Commissioner Williams led the Pledge of Allegiance.

**APPROVE MINUTES OF THE AUGUST 28, 2009 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Wayne Willingham made the motion to approve the August 28, 2009 minutes, approve appropriations, expenditures, requisitions, travel expenses 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**

Kelly Allen from the EMA Office announced the second annual "Be Ready Day" will be held at Northbrook Baptist Church on September 19, 2009.

Phyllis Little, Director of EMA, reported that Public Health is scheduling H1N1 (swine flu) clinics for schools starting the middle of October with seasonal flu clinics starting October 7, 2009.

**NEW BUSINESS**

**Consider proclamation to declare September 13-20, 2009 as Cullman County Soil and Water Conservation Week  
Consider proclamation to declare September 21-27, 2009 as Resource Conservation and Development Week**

Chairman Graves read the proclamations for Soil and Water Conservation and Resource Conservation Week and for Development Week. Commissioner Williams made a motion to approve both proclamations. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously. Robert Haribson, Chairman of the Board of Directors for Soil and Water Conservation, accepted the proclamations and thanked the Commission for their support.

**Authorize Phyllis Little, EMA Director, to sign the grant for the State Mortuary Response Team (SMORT)**

Phyllis Little, EMA Director, requested authorization to sign a \$6,000.00 grant from public health for uniforms and equipment maintenance which will run through June 2010. Commissioner Williams made a motion to authorize the director to sign the grant for SMORT funds. Commissioner Willingham seconded. Upon a unanimous voice, the motion passed.

**Authorize the Chairman to sign an agreement with ESRI for software**

Barry Willingham, Revenue Commissioner, stated the three (3) years contract with ESRI is for mapping and GIS software. All county agencies will have access to the software with the Revenue Department absorbing the cost of \$150,000.00. Commissioner Willingham made a motion to authorize the Chairman to sign the agreement with ESRI for software. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Consider surplus of various broken equipment from the Probate Office**

Commissioner Willingham made a motion to allow the surplus of various broken and unusable equipment from the Probate Office. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

**Surplus seven (7) cash registers from the Revenue Department**

Commissioner Barry Willingham stated the cash registers were no longer being used by the Revenue Department and requested they be declared surplus and sold. Commissioner Willingham made a motion to surplus seven (7) cash registers from the Revenue Department. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

**Consider final plat for Water Bound Subdivision, Phase I**

Keith Creel, Assistant Engineer, stated a preliminary plat for the Water Bound Subdivision was approved in April 2007. There have been some issues with the roads. The developer wants to break off 26 lots, where the roads are in good condition, into Phase I. The plat with signatures is in order. Attorney Willingham stated there is to be an independent sewer system in the subdivision. He recommended that the County require a bond from the contractor to Water Bound Subdivision and, in turn, a contract between Water Bound Subdivision and the County in order to insure there will be a working sewer system in the subdivision. Commissioner Williams asked if the County would be obligated at any time in the future to maintain the sewer system. Attorney Willingham stated they would not. Commissioner Willingham made a motion to accept the plat for Water Bound Subdivision, Phase I contingent on the contract for the sewer system. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Consider acceptance of County Road 390, 391 and a portion of County Road 379 from 351 to 390 located in District 2**

Mr. Creel stated these are the roads located in the Water Bound Subdivision. These roads were accepted under the old regulations and he recommended acceptance provided the roads are maintained for one year. Commissioner Willingham made a motion to accept County Road 390, 391 and a portion of County Road 379 from 351 to 390 located in District 2. Commissioner Williams seconded, and upon a unanimous voice vote, the motion carried.

**Consider a donation of \$1,000.00 to the Kelly Community Center**

Commissioner Williams stated the Kelly Community Center, a polling place, has requested \$1,000.00 to assist with maintenance. He made a motion to donate \$1,000.00 to the Community Center. Commissioner Willingham seconded. The motion carried on a unanimous voice vote.

**Consider a donation of \$1,000.00 to the Grandview Community Center**

Commissioner Willingham made a motion to give Grandview Community Center a \$1,000.00 donation. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

**Consider a donation of \$1,000.00 to the Trimble Community Center**

Commissioner Willingham made a motion to give Trimble Community Center a \$1,000.00 donation. Commissioner Williams seconded. The motion carried on a unanimous voice vote.

Commissioner Williams reiterated that donations made to community centers which are polling places is not a budget item. This was started several years ago when there were extra funds available. Chairman Graves stated that next year, due to budget cuts, requests for donations will be evaluated individually, based on need.

**Discussion of vacating of County Road 1770 and set a date for a public hearing**

Attorney Willingham stated residents along County Road 1770 have requested the vacation of the road. Commissioner Williams made a motion to authorize the advertising of vacating County Road 1770 and set October 27, 2009 for the public hearing. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

**Discussion of vacating of County Road 1073 and set a date for public hearing**

Commissioner Willingham stated he has received a request for the County to vacate County Road 1073 but to maintain public access. Commissioner Willingham made a motion to authorize the advertising for vacating County Road 1073 and set the public hearing for October 27, 2009. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

**Resolution 2009-54 – Set speed limit on County Road 1069 at 40 MPH**

Fred Penn, County Engineer, stated the road has vertical and horizontal curves. He recommended setting the speed limit at 40 MPH. Commissioner Willingham made a motion to set the speed limit on County Road 1073 at 40 MPH. Commissioner Williams seconded. The motion carried on a unanimous voice vote.

**Resolution 2009-55 – Set speed limit on County Road 709 at 30 MPH**

Commissioner Willingham made a motion to set the speed limit on County Road 709 at 30 MPH. Commissioner Williams seconded, and upon a unanimous voice vote, the motion passed.

**Resolution 2009-56 – Set speed limit on County Road 1570 at 35 MPH**

Mr. Penn stated the road is located between Fairview and Baileyton and recommended a speed limit of 35 MPH. Commissioner Williams made a motion to set the speed limit on County Road 1570 at 35 MPH. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

**Rescind Resolution 2009-51**

Dan Willingham, County Attorney, stated there is some confusion between Resolution 2009-12 and Resolution 2009-51 concerning authorization for water exploration and expenditures. He recommended that in order to clear up any confusion, that Resolution 2009-51 be rescinded, giving authorization back to the water department. Commissioner Willingham made a motion to rescind Resolution 2009-51. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

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**OLD BUSINESS**

**Consider a franchise agreement with Otelco**

Attorney Willingham stated he has reviewed the contract that was presented in the July 30, 2009 Commission Meeting. All franchise agreements within the County are non-exclusive. He desires to make some changes in the agreement so Otelco's agreement will be consistent with other communication franchise agreements. The representative from Otelco agreed with the changes. Commissioner Willingham made a motion to authorize the Chairman to sign the franchise agreement with Otelco contingent on the changes. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

Commissioner Willingham stated he has received a request for a speed limit on County Road 156. The speed limit was set at 25 MPH in the February 27, 2009 Commission Meeting. Apparently signs have been removed; they will be reinstalled.

Chairman Graves announced the next meeting of NARCOG will be September 23, 2009 at the Decatur office of NARCOG.

**NEXT REGULAR COMMISSION MEETING THURSDAY, SEPTEMBER 24, 2009**

Chairman Graves announced the next regular Commission Meeting will be Thursday, September 24, 2009 at 10:00 a.m. in the Commission Office Conference Room.

**ADJOURN THE MEETING**

Chairman Graves asked if there was further business to consider and there was none. Chairman Graves adjourned the meeting at 10:29 a.m.

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James D. Graves, Chairman

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J. Douglas Williams  
Associate Commissioner

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Wayne Willingham  
Associate Commissioner