

**CULLMAN COUNTY COMMISSION MEETING**  
**September 24, 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 Willingham led the Pledge of Allegiance.

**APPROVE MINUTES OF THE SEPTEMBER 8, 2009 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Wayne Willingham made the motion to table the approval of September 8, 2009 minutes, appropriations, expenditures, requisitions, travel expenses and all journal entries to be posted. Commissioner Doug Williams seconded and the approval was tabled.

**PUBLIC COMMENTS**

Phyllis Little, EMA Director, announced there will be a seasonal flu clinic October 7, 2009 at the Ag Center at a cost of \$5.00. Swine flu clinics are scheduled for around October 20; adults will require one shot, children nine and under will require two. Clinics will be offered in the schools on a voluntary basis. After school hours, the clinics will be open for the public. There will be no charge at these clinics. Private physicians will charge for services.

On November 2, at 6:00 p.m., there will be a severe storm spotting and weather safety class at the Cullman Church of Christ.

**NEW BUSINESS**

**Authorize the Chairman to sign the agreement with the Department of Conservation and Natural Resources (DCNR) for floating pier at Lions Park**

Sammie Danford from Economic Development reported that paving and lighting has been completed at Lion's Club Landing and the final phase is the installation of the floating pier. The agreement between the Department of Conservation and Natural Resources (DCNR) and the County is a 75/25 match. Commissioner Willingham made a motion to authorize the Chairman to sign the agreement with DCNR. Commissioner Williams seconded, and upon a voice vote the motion carried unanimously.

**Chairman Graves to appoint Clint Frey to the Health Care Authority Board**

Chairman Graves stated it was his pleasure to appoint Clint Frey to the Health Care Authority Board for a six year term to expire June 30, 2015. Commissioner Willingham made a motion to appoint Clint Frey to the Health Care Authority Board. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

**Commissioner Doug Williams to appoint Del Brock to the Health Care Authority Board**

Commissioner Williams made a motion to appoint Del Brock to the Health Care Authority Board for a six year term expiring June 30, 2015. Commissioner Willingham seconded the motion which carried on a unanimous voice vote.

**Commissioner Wayne Willingham to re-appoint Alan Wood to the Health Care Authority Board**

Commissioner Willingham made a motion to re-appoint Alan Wood to the Health Care Authority Board for a six year term to expire June 30, 2015. Commissioner Williams second. The motion carried on a unanimous voice vote.

**Authorize the Chairman to sign the renewal for the Stop Loss Insurance**

Gary Teichmiller, County Administrator, stated stop loss insurance is a reinsurance that picks up health care cost after an individual claim exceeds \$75,000.00. BCS, the current insurer, was the low bidder at \$347,795.00. Commissioner Williams made a motion to authorize the Chairman to sign the renewal agreement for the stop loss insurance with BCS. Commissioner Willingham seconded, and upon a unanimous voice vote, the motion carried.

**Rescind the easement given to the Cullman Masonic Lodge**

Dan Willingham, County Attorney, stated the Masonic Lodge was unable to acquire the property; therefore an easement is not needed. Commissioner Willingham made a motion to rescind the easement granted in the May 26, 2009 Commission Meeting. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

**Approve the Continuity of Operations Plan for Cullman County**

Phyllis Little, EMA Director, stated this is a basic plan that would keep County government operational with absenteeism up to 40% due to a pandemic. It gives each department a starting point to development their standard operating procedures. Commissioner Williams made a motion to approve the Continuity of Operations Plan. Commissioner Willingham seconded, and upon a unanimous voice vote, the motion passed.

Chairman Graves mentioned the "Be Ready Day" which was held on September 19. Ms. Little stated there were 43 exhibits showing various types of disaster equipment and preparedness resources Cullman County has to draw upon in case of a disaster.

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

Chairman Graves stated the Baldwin Community Center is a polling place that is in need of repair. Commissioner Willingham made a motion to donate \$1,000.00 toward the repairs. Commissioner Williams seconded. The motion carried on a unanimous voice vote.

Commissioner Williams encouraged all county community centers to request funding from the local legislative delegation for repairs and maintenance.

**Resolution 2009-57 – Vacating a portion of County Road 1601**

Attorney Willingham stated a public hearing was held September 22, 2009 and there were no comments on the vacation. The portion of road being vacated dead ends on property being developed by Royal Technologies and no other property owners are involved. Commissioner Williams made a motion to vacate the portion County Road 1601. Commissioner Willingham seconded, and upon a unanimous voice vote, the motion passed.

**Resolution 2009-58 – Placing one-half cent sales tax on the June 2010 ballot**

Attorney Willingham stated in order for the one-half cent sales tax for education to be placed on the ballot, a resolution must be passed and presented to the Justice Department for any objections. This needs to be done in order to provide adequate time for the Probate Judge to have it placed on the ballot with the Secretary of State. Commissioner Williams made a motion to place a one-half cent sales tax for education on the June 2010 primary ballot. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

**Consider plat for Lakeshore West Subdivision, Phase VIII and VIIIA, located in District 2, off County Road 175**

Keith Creel, Assistant Engineer, stated the preliminary plat has been approved. Since the road has not been completed, a \$25,000.00 bond has been provided. Mr. Creel recommended approval of the final plat contingent on receipt of the plat with all signatures. Commissioner Willingham made a motion to approve the plat for the Lakeshore West Subdivision, Phase VIII and VIIIA. Commissioner Williams seconded, and upon a unanimous voice vote, the motion carried.

**Consider granting an extension for the surety bond held by Cullman County Commission for Goodwin-Mills Subdivision located in District 2 on County Road 295**

Keith Creel stated the County Commission currently holds a \$240,000.00 surety bond. The existing road, which required extensive work before it could be accepted in the County's maintenance system, has not been completed due to the weather. Mr. Creel recommended granting a one (1) year extension on the bond. Commissioner Willingham made a motion to grant a one year extension for the surety bond for Goodwin-Mills Subdivision located in District 2 on County Road 295. Commissioner Williams seconded. The motion carried on a unanimous voice vote.

**Consider awarding Bid No. 1015 – Bituminous Plant Mix**

Fred Penn, County Engineer, stated the bid asked for a price of less than 500 tons, as would be used in a small job such as a parking lot and a price for larger quantities over 500 tons. Two bids were received. Wiregrass had the low bid on quantities less than 500 tons and Good Hope Contracting was the low bidder for over 500 tons. The County Attorney has advised that the bid can be split and awarded to the respective low bidders. Commissioner Willingham made a motion to award the bid for bituminous plant mix to Wiregrass for quantities of less than 500 tons and to Good Hope Contracting for larger jobs. Commissioner Williams seconded. The motion passed on a unanimous voice vote.

**Consider awarding Bid No. 1016 – Herbicides**

Mr. Penn stated that Helena Chemicals, who currently has the bid, was the only bidder. There is also the option of going to the joint bid or the state bid. Commissioner Willingham made a motion to award the bid for herbicides to Helena Chemicals. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

**Reject all bids for Bid No. 1017- Motor Oil**

Mr. Penn stated some of tractors and equipment require special oil in order to maintain the warranty. He recommended rejecting all bids and re-writing the specifications. Attorney Willingham stated he had talked with the Commissioners and agreed the bid specifications for oil needed to be updated. Commissioner Williams made a motion to reject all bids for motor oil. Commissioner Willingham seconded. The motion passed on a unanimous voice vote.

**Consider awarding Bid No. 1018 – Used Steel Railroad Cars: No Bidders**

Dan Willingham, County Attorney, stated, since there were no bidders, the Commission can go into the market and negotiate.

**Consider awarding Bid No. 1019 – Rental on Used Excavator**

Gary Teichmiller, County Administrator, stated it is his understanding the Warrior Tractor and Equipment was the only bidder that met the specifications. Commissioner Willingham made a motion to award the bid for rental on a used excavator to Warrior Tractor and Equipment. Commissioner Williams seconded, and upon a unanimous voice vote, the motion passed.

**Consider awarding Bid 1020 – Rental on Used Crawler Dozer**

Mr. Teichmiller stated it is his understanding that Warrior Tractor and Equipment was the only bidder that met the specifications. Commissioner Willingham made a motion to award the bid for rental on a used crawler dozer to Warrior Tractor and Equipment. Commissioner Williams seconded. The motion carried on a unanimous voice vote.

**Consider approval of the 2010 Budget for Cullman County**

Commissioner Willingham made a motion to adopt the proposed budget for 2010. Commissioner Williams seconded. Chairman Graves stated since the appropriations and expenditures were not approved the 2009 books cannot be closed; therefore a new budget cannot be adopted. The County Attorney agreed. It was also discussed that employees will not be paid until expenditures are authorized. Commissioner Williams withdrew his second and Commissioner Willingham withdrew his motion to approve the 2010 budget. It was decided to recess the meeting until Monday, September 28, 2009 at 9:00 a.m.

Chairman Graves announced the next meeting of NARCOG will be October 28, 2009 at the Decatur office of NARCOG.

**NEXT REGULAR COMMISSION MEETING TUESDAY, OCTOBER 13, 2009**

Chairman Graves announced the next regular Commission Meeting will be Tuesday, October 13, 2009 at 10:00 a.m. in the Commission Office Conference Room.

Chairman Graves recessed the meeting at 10:28.

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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