

**CULLMAN COUNTY COMMISSION MEETING  
FEBRUARY 27, 2009**

**CALL TO ORDER AND WELCOME**

A regular meeting of the Cullman County Commission was held Friday, February 27, 2009 in the County Commission Office Conference Room. Chairman Graves called the meeting to order at 10:02 a.m. and welcomed all 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, and County Attorney Dan Willingham. Commissioner Wayne Willingham was absent. The invocation was given by Attorney Willingham and Commissioner Doug Williams led the Pledge of Allegiance.

**APPROVE MINUTES OF THE FEBRUARY 11, 2009 MEETING, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSED; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.**

Commissioner Doug Williams made the motion to approve the February 11, 2009 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Chairman Graves made a second to the motion and upon a voice vote, the motion carried unanimously.

**PUBLIC COMMENTS**

Don Lynn addressed the Commission concerning his reservations about the purchase of the Cullman Savings Bank building. He presented the Commission with a sketch of his architectural ideas. Chairman Graves stated that the Commission continues to look at all possibilities for expansion of the Courthouse facilities.

William Herfurth, a resident of County Road 289, expressed frustration over a structure that has been built on county right-of-way adjacent to his property. He understands that verbal permission was given by the County, but has been unable to determine if the County formally vacated the property. Chairman Graves asked County Attorney Dan Willingham to look into the matter.

Thurman Ryan stated he opposes the purchase of the Cullman Savings Bank building and suggested hiring an architect to look at the property south of the Courthouse. He also thanked the Commission for not passing the one half cent sales taxes that has been requested for education.

Mr. Schaefer, a resident of County Road 715, asked the Commission about regulations regarding the installation of mailboxes in the County. His mailbox has been hit twice in the past month and he desires to make his mailbox more permanent. Attorney Willingham stated he would talk with him after the Commission meeting.

Sherry Davis, from the Revenue Commissioner's Office, stated their office has received negative feedback from the citizens of Cullman County regarding the possible purchase of the Cullman Savings Bank building. She expressed concerns that the bank building would not meet the needs of the county and that access and parking would not be adequate. She presented to the Commission a petition with over 600 signatures opposing the purchase of the bank building. Chairman Graves reiterated that the Commission has looked at several properties and that no decision has been made. He stated that the departments involved in any move would be consulted and have input in the decision making process.

Mr. Hank Allen, Superintendent Cullman County Schools, stated he has met with the VAW Water System regarding the problem with water pressure at Harmony School. Currently the water pressure is inadequate to activate the sprinkler system. An agreement between the Cullman County School System, VAW Water System, and Cullman County will be drawn up for the installation of an additional waterline to Harmony School.

Mr. Allen encouraged the Commission to consider the passage of the one half percent sales tax for education stating that education is the backbone for all job opportunities. Chairman Graves asked if the school system has received any information on the stimulus package from the federal government. Mr. Allen stated the stabilization fund, which was designed to help with teacher reduction, has been cut 33%, but no other word has been received on that fund. He said there is still money in IDEA (special education) and Title I, but these are federal funds that can not be supplanted. Mr. Allen also stated that the construction monies are gone and they have learned that six (6) percent of the stabilization fund will be retained by Montgomery. The education budget is currently under 9% proration which amounts to approximately \$550,000.00 per month.

**NEW BUSINESS**

**Approve Resolution 2009-12 – Water Department**

In the absence of Mr. David Bussman, Manager of the Cullman County Water Department, Commissioner Doug Williams read the resolution authorizing the Cullman County Water Department to explore and study any other water sources for Cullman County. Commissioner Doug Williams made a motion to authorize the Chairman to sign the resolution. Chairman Graves seconded, and upon a voice, the motion passed unanimously.

**Approve the Drug and Alcohol Abuse Testing Policy and Substance Abuse Policy for Cullman Area Regional Transportation System (CARTS)**

Chairman Graves stated that CARTS, which is primarily funded through federal funds, must follow federal regulation in regard to drug and alcohol testing and substance abuse; this is a zero tolerance policy calling for termination of any employee who tests positive. The County's policy allows for rehabilitation and re-employment. Commissioner Williams made a motion to approve the Drug and Alcohol Abuse Testing Policy and Substance Abuse Policy for CARTS. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Approve Resolution 2009-07 to authorize the Chairman to sign an agreement with the State of Alabama (DOT)**

Commissioner Williams made a motion to approve Resolution 2009-07 to authorize the Chairman to sign an agreement with the State of Alabama (DOT) for drainage improvements of County Road 530 (Jochum Road) at CSX Transportation Railroad crossing DOT# 352-201M. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Approve Resolution 2009-08 to set the speed limit on County Road 156 at 25 mph**

Mr. Fred Penn, County Engineer, stated that due to the vertical and horizontal curves on County Road 156 he recommended a speed limit of 25 mph. Commissioner Doug Williams made a motion to set the speed limit on County Road 156 at 25 mph. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Approve Resolution 2009-09 to set the speed limit on County Road 715 at 30 mph**

Commissioner Williams made a motion to reduce the speed on County Road 715 to 30 mph. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Approve Resolution 2009-10 – the vacating of a 60' right-of-way in the Hidden Lake Subdivision**

County Attorney Dan Willingham stated there was a 60' right-of-way granted in the subdivision for a road; however the road was never built. The right-of-way was incorporated into an adjacent lot after a petition was signed by the area residents. The resolution is to vacate the right-of-way. Commissioner Williams asked if there has been a public hearing and Mr. Willingham stated there has been. Commissioner Williams made a motion to vacate the 60' right-of-way in the Hidden Lake Subdivision. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Approve Resolution 2009-11 - to amend Resolution 2000-59 – Use of Credit Cards**

Chairman Graves stated the Resolution 2000-59 limited the use of the County's credit cards to official travel outside Cullman County. An amendment is needed allowing credit cards to be used for other purposes such as ordering products online over the internet. Commissioner Williams made a motion to approve Resolution 2009-11 to allow the use of the Cullman County credit card for other legitimate purchases including official travel outside Cullman County. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Set Commission policy to void outstanding checks that are over one year old**

Gary Teichmiller, County Administrator, stated outstanding checks have previously stayed on the books for several years. The State Examiners have advised that the County can set its own policy. Mr. Teichmiller recommends that outstanding checks be voided after one year. Commissioner Williams made a motion to void outstanding checks over one year old. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Re-Appointment of Terri Bennefield to the Walter Water Board**

Chairman Graves made a motion to re-appoint Terri Bennefield to the Walter Water Board for a 6 year term expiring March 1, 2015. Commissioner Williams seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider the release of a \$7,500.00 surety bond for Parker Addition to Lakeview North located in District 3 on County Road 1567**

Mr. Keith Creel, Assistant County Engineer, stated the paving has been completed and meets County specifications. He recommended the release of the \$7,500.00 surety bond. Commissioner Williams made a motion to release the surety bond for Parker Addition to Lakeview North on County Road 1567. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider extending Bid No. 882 – Elevator service contract with Bagby Elevator Company**

Mr. Teichmiller stated Bagby Elevator Company, who currently has the service contract, has agreed to extend the bid under the same terms and at the same price of \$7,800.00. He recommended extending the bid for one year. Commissioner Williams made a motion to extend the bid with Bagby Elevator Company for one year. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider extending Bid No. 842 – Fireworks**

Mr. Teichmiller stated Premier Pyrotechnics currently has the bid and has done an outstanding job for the past several years. They have agreed to extend the bid for the 4th of July fireworks display at Smith Lake Park at the current bid price of \$17,000.00. Mr. Teichmiller recommended extending the bid. Commissioner Williams made a motion to extend the bid with Premier Pyrotechnics for fireworks. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 986 – Uniforms for the Sheriff’s Department**

Cullman County Sheriff’s Deputy Rob Cook recommended accepting the bid from McCain Uniforms for uniforms for the Sheriff’s Department. Commissioner Williams made a motion to award the uniform bid to McCain Uniforms. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 987 – Gas and Diesel**

Mr. Fred Penn, County Engineer, stated Edison Petroleum, Inc. submitted the lowest bid and recommended accepting the bid. Commissioner Williams made a motion to award Bid No. 987 for gas and diesel to Edison Petroleum, Inc. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 988 – Off Road Diesel**

Mr. Penn stated the lowest bid was from Edison Petroleum, Inc. They currently have the bid and he recommended keeping the bid with them. Commissioner Williams made a motion to award the off road diesel bid to Edison Petroleum, Inc. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 989 – Heating Fuel**

Mr. Penn stated there was a tie on the bid price between All Gas and Ferrell Gas. He recommended staying with the current supplier, All Gas; changing suppliers would necessitate changing all the tanks. Commissioner Williams made a motion to award the bid for heating fuel to All Gas. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Consider awarding Bid No. 992 – Grader Blades**

Mr. Penn stated the low bidder was Falk Manufacturing from Pennsylvania. Chairman Graves asked about delivery cost and shipping time. Mr. Penn said there were no transportation charges and delivery times would have to be evaluated. Commissioner Williams made a motion to award Bid No. 992 to Falk Manufacturing for grader blades. Chairman Graves seconded, and upon a voice vote, the motion passed unanimously.

**Authorize the Chairman to sign the FY 2009 EMPG Cooperative Agreement with the State of Alabama for EMA**

Phyllis Little, EMA Director, stated this is the annual EMA appropriation from the State of Alabama. The State appropriation this year is \$5,862.00 reflecting an increase of \$1,463.00. Commissioner Williams made a motion to authorize the Chairman to sign the FY 2009 EMPG Cooperative Agreement with the State of Alabama for EMA. Chairman Graves seconded the motion, and upon a voice vote, the motion passed unanimously.

**OLD BUSINESS**

There was no old business to be discussed.

Chairman Graves asked a reporter from the Cullman Times newspaper to look into Senate Bill No. 92 which, if passed, would take money away from Cullman County.

Chairman Graves announced there will be a Special Called Meeting of the County Commission on Wednesday, March 4, 2009 at 9:00 a.m. in the Commission Conference Room to consider awarding the bid for repair of the swimming pool at Smith Lake Park.

**THE NEXT COMMISSION MEETING WILL BE HELD AT 10:00 A.M., FRIDAY, MARCH 13, 2009, IN THE COMMISSION CONFERENCE ROOM.**

The change in the Commission Meeting date is due to the commissioners being out of town.

Commissioner Doug Williams introduced Jerry Sellers, Director of Cullman County EMS. A team of paramedics demonstrated the new 12 lead EKG machine using Commissioner Williams as their “patient”. Cullman County is only the second community North Alabama to acquire this state of the art equipment for early cardiac intervention. All ambulances have been equipped with this technology that was been provided through the Cullman Regional Medical Center (CRMC) Foundation’s Golden Window Campaign at a cost of \$134,000.00.

Chairman Graves acknowledged the Cold Springs Girls Basketball Team’s victory as the State’s 2A Champions.

**ADJOURN**

Chairman Graves adjourned the meeting at 11:20 a.m.

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James D. Graves, Chairman

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J. Douglas Williams  
Associate Commissioner

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(Absent)  
Wayne Willingham  
Associate Commissioner