

CULLMAN COUNTY COMMISSION MEETING
April 14, 2009

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:00 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 Wayne Willingham, Commissioner Doug Williams and County Attorney Dan Willingham. The invocation was given by Dan Willingham and Commissioner Wayne Willingham led the Pledge of Allegiance.

APPROVE MINUTES OF THE MARCH 24, 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 March 24, 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

Dub Hunter addressed the Commission concerning the condition and safety of County Road 1518. He asked the Commission to consider improvements to the road.

NEW BUSINESS

Chairman Graves thanked the county fire departments for their work over the past two days in clearing fallen trees from the county roadways. He stated there was considerable storm damage from the early Monday morning storms. Commissioner Willingham stated the Cullman Electric Co-op estimates the damage incurred in this storm is worse than a tornado because it is so wide spread. Phyllis Little, Director of EMA, stated they are not sure the Governor will declare this storm a disaster; however, the storms over the past several days may qualify the County for disaster relief after estimates are compiled from the road departments and the electric co-op.

Authorize the Chairman to sign a Memorandum of Participation for an actuary study with Cavanaugh Macdonald Consulting, LLC.

Gary Teichmiller, County Administrator, stated the General Accounting Standards Board (GASB) 43-45 requires an actuary study of post retirement benefits. The County provides health care benefits for retirees; beginning this fiscal year the liability must be reflected in the County's audit statement. The auditors have stated that an actuary company must do the study. The cost will be approximately \$9,000 depending on the number of retirees at the time of the study. Commissioner Doug Williams made a motion to authorize the Chairman to sign the memorandum of participation with Cavanaugh Macdonald Consulting, LLC for an actuary study. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Discussion of Franchise Agreements with Cable Companies serving Cullman County

Mr. Teichmiller stated there are three (3) cable companies currently serving Cullman County, Windjammer, Charter Communications and Alabama Broadband. These companies have been going through restructuring and bankruptcy and the County has been unable to contact them regarding any changes in the franchise agreements. Mr. Teichmiller recommended extending the current franchise agreements for an unlimited time until each company can be contacted. Dan Willingham, County Attorney, stated these are non-exclusive agreements and each company has its own territory. Commissioner Willingham made a motion to extend the cable company franchise agreements until the companies can be contacted. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Authorize the Chairman to sign an agreement between the Department of Examiners of Public Accounts and Cullman County for an Audit of Federal Assistance

Mr. Teichmiller stated this is the County's annual agreement with the auditors of the State of Alabama who also do the County's Federal Audit. The cost of the 2008 audit is \$7,540 which is approximately the same as last year's cost. Chairman Graves stated that all audit findings will be published in the local newspaper when the audit is completed. Commissioner Williams made a motion to authorize the Chairman to sign the agreement with the Department of Examiners of Public Accounts for the audit. Commissioner Willingham seconded. The motion passed unanimously on a voice vote.

Consider granting one (1) year extension on the proposed plat for Daystar Shores Subdivision located in District 2 off County Road 222

Mr. Keith Creel, Assistant Engineer, stated the proposed plat, approved in April 2008, was good for one (1) year. The work has not been completed and the developer is requesting a one (1) year extension. Mr. Creel recommended granting the extension. Commissioner Willingham made a motion to grant a one (1) year extension on the proposed plat for Daystar Shores Subdivision located in District 2 off County Road 222. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Approve Resolution No. 2009-20 - Weight limit on County Road 616 for 15 tons gross weight

Mr. Creel stated due to the construction characteristics of County Road 616 the County Engineer recommends a 15 ton gross weight. Commissioner Williams made the motion to set the gross weight on County Road 616 at 15 tons. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Reject all bids received for fifty (50) sheets of tin located at CARTS

Chairman Graves stated at the previous Commission Meeting the tin had been declared surplus and offered for bid. The County has since found a use for the tin. Commissioner Williams made a motion to un-surplus the tin and reject all bids. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Extend Bid No. 885 – Pest Control Service with Melton’s Pest Control for one (1) year

Mr. Teichmiller stated Melton’s Pest Control has agreed to extend the bid for one (1) year at the current price. Commissioner Willingham made a motion to extend Bid No. 885 for pest control service with Melton’s Pest Control for one (1) year. Commissioner Williams made a second. Upon a voice vote the motion passed unanimously.

Extend Bid No. 886 – Termite Control Service with Cook’s Pest Control for one (1) year

Mr. Teichmiller stated Cook’s Pest Control has agreed to extend the bid for pest control for one (1) year at the current price. He recommended extending the bid. Commissioner Willingham made a motion to extend Bid No. 886 with Cook’s Pest Control for one (1) year. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 990 – Concrete

Mr. Creel stated the current supplier, DCA Ready Mix, was the low bidder and recommended awarding the bid to them. Commissioner Willingham asked if the price has gone up since last year. Mr. Creel stated it has gone up \$3.00 - \$5.00 per yard depending on the type of concrete. Commissioner Willingham made a motion to award Bid 990 for concrete to DCA Ready Mix. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 991 – Concrete Pipe

Mr. Creel recommended awarding the bid to Harvey Culvert Company, Inc who was the low bidder. Commissioner Doug Williams made a motion to award the bid for concrete pipe to Harvey Culvert Company, Inc. Commissioner Willingham mad a second, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 993 – Guardrails

Mr. Creel stated that Alabama Guardrail, Inc. was the only bidder. He recommended awarding the bid to Alabama Guardrail as they currently have the bid and have done a good job. Commissioner Willingham made a motion to award Bid No. 993 for guardrails to Alabama Guardrail, Inc. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 997 – Jail Supplies

A representative from the Sheriff’s Department stated that Paper & Chemical Supply was the low bidder and recommended awarding the bid to them. Commissioner Willingham made a motion to award the bid for jail supplies. A member from the audience asked why prices were not supplied at the Commission Meeting. It was explained that due to the length and complexity of some bids, prices were not discussed during the Commission Meeting; however, all bids are open for public inspection. A second was not received on the bid. It will be introduced at the next Commission Meeting.

Consider awarding Bid No. 998 – Placement of Bituminous Surface Treatments

Mr. Creel stated Charles E. Watts, Inc was the only bidder. They have had the bid for several years and having done a good job, he recommended awarding the bid. Commissioner Williams made a motion to award Bid No. 998 for bituminous surface treatment to Charles E. Watts, Inc. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 999 – Bulk Cement

Mr. Creel stated National Cement Company was the low bidder and recommended awarding the bid. Commissioner Willingham made a motion to award the bulk cement bid to National Cement Company. Commissioner Williams seconded the motion. Upon a voice vote, the motion passed unanimously.

Discussion of vacating a portion of County Road 1647 and a portion of County Road 437

County Attorney Dan Willingham stated a wooden bridge on County Road 1647 was washed out in January 2009. Since there are other roads which have access to the farmland, the cost of a new bridge is not justified. Commissioner Williams made a motion to advertise a public hearing set for the next Commission Meeting concerning the vacating of a portion of County Road 1647. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Attorney Willingham stated the section of County Road 437 that runs into Smith Lake has a trench across the road that is on private property under a single ownership. It has become an area of undesirable activity and a garbage dump. He requested the section of County Road 437 south of the section line also be advertised for a public hearing for vacation of the road at the next Commission Meeting. Commissioner Willingham made a motion to set a public hearing for the vacating of the section of County Road 437. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

OLD BUSINESS**Relocation of voters from Brickyard to Beat 29 (Grandview)**

County Attorney Dan Willingham stated that voters have petitioned the Commission to be relocated back to their original voting place at Grandview. Mr. Willingham has met with the voters and the registrar. Two things must occur: by legislative act there must be a land identified marker which determines the area of voters that are to be moved and everyone within the designated area must want to be moved. The land identified markers have been determined and the registrar is in the process of identifying all electors within the boundaries. This then must be submitted to the Justice Department for any objections they might have.

Cherokee Indians addressed the Commission

Marsha White Feather of the Cherokee Tribe of Alabama addressed the Commission about a dream the tribe has for Cullman County. They hope to build an educational center on 357 acres located at 3510 County Road 1807 in Cullman County. The center will include a Cherokee living village, a museum and hiking trails. Educational instruction will be available on survival techniques, herbal medicine and a summer camp program. The tribe requested the Commission to lease the land for 99 years for \$1.00 per year with a renewable lease at the same terms. The Commissioners agreed that the project is an excellent idea that would be an asset to the County and the Joppa area, bring jobs to the area, and has the potential of becoming a tourist attraction. However, the Cullman County School Board owns the land and the lease must be negotiated with them.

NEXT REGULAR COMMISSION MEETING TUESDAY, APRIL 28, 2009

Chairman Graves announced the next regular Commission Meeting will be Tuesday, April 28, 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 10:30 a.m.

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner