

CULLMAN COUNTY COMMISSION MEETING
August 11, 2009

CALL TO ORDER AND WELCOME

Chairman James Graves called the Commission Meeting to order at 10:02 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 JULY 30, 2009 MINUTES, APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSES; AND APPROVE ALL JOURNAL ENTRIES TO BE POSTED.

Commissioner Doug Williams made the motion to approve the July 30, 2009 minutes, approve appropriations, expenditures, requisitions, travel expenses and approve all journal entries to be posted. Commissioner Wayne Willingham made a second to the motion and upon a voice vote, the motion carried unanimously.

PUBLIC COMMENTS

Lester Harris, a resident of County Road 203, asked the Commission about the plans and time frame for the repair of County Road 203. Commissioner Willingham stated the Road Department hopes to complete work before winter.

NEW BUSINESS

Joey Hester from NARCOG addresses the Commission

Joey Hester from NARCOG stated Cullman Soil and Conservation came to them with concerns about erosion along York Branch stream, located off Highway 278W on property owned by the Richter family. He presented the Commission with the York Branch Streambank Restoration Feasibility Study. Currently large amounts of sediment are eroding from York Branch stream and washing into Ryan Creek, which in turn flows into Smith Lake. ADEM is concerned the sediments might negatively impact the ecosystem of the lake.

The feasibility study was prepared by North-central Alabama Regional Council of Governments (NARCOG) and Goodwyn, Mills & Cawood, Inc. William McLemore, with Goodwyn, Mills & Cawood, stated the purpose of this feasibility study is to evaluate the potential for streambank restoration of the York Branch stream and to make cost-based recommendations on the restoration project. The study gives two options for the restoration with cost ranging from \$100,000.00 to \$185,000.00.

Funding for the restoration of York Branch is potentially available through the Alabama Department of Environmental Management (ADEM) Section 319 program, which offers grants to public and private entities for projects related to the mitigation and prevention of pollution discharge into bodies of water. If the project is approved under the Section 319 program, 60-percent of the project cost will be federal funded; the remaining 40-percent match must be made from non-federal contributions, either County or private, which can be in-kind. The in-kind may be in the form of labor, materials, equipment, and educational classroom events at the project site.

The property owners have received a copy of the study; the next step is for the Richter family to decide if they wish to go forward with the project.

Discussion of the mitigation credits for Permit 14 OHV Park

County Attorney Dan Willingham stated this is the final stage for this part of the development of the OHV Park. In order to make sure all paper work is in order, he requested this be tabled until the next Commission Meeting. Commissioner Willingham made a motion to table. Commissioner Williams seconded; the motion was tabled.

Discussion of Red Flag Rules

Attorney Willingham stated that Red Flag compliance involves a variety of system checks aimed at detecting specific "red flags" and preventing possible cases of identity theft. The Association of County Commissions of Alabama (ACCA) has developed an identity theft prevention policy that they recommend to the counties. Mr. Willingham stated he has reviewed this policy and made some changes to fit Cullman County's needs and recommended acceptance of the policy. Commissioner Williams made a motion to accept the Red Flag Rules. Commissioner Willingham seconded, and upon a voice, the motion passed unanimously.

Approval of the vacating of a portion of County Road 1601

Commissioner Williams stated that County Road 1601 dead-ends on the middle of the property where Royal Technologies will be locating. Royal Technologies desires to incorporate the last 1,144± feet of County Road 1601 into their maintenance system. No other property owners are involved in the vacating of this section of road. Attorney Willingham read the description of the roadway to be vacated. Commissioner Williams made a motion to set a public hearing on the vacating of County Road 1601 for September 22, 2009. Commissioner Willingham seconded. Upon a voice vote the motion passed unanimously.

Consider variance request for Lakeshore West, Phase VIII and VIIIA located in District 2, off County Road 175

Keith Creel, Assistant Engineer, stated the Commission approved a variance for Lakeshore West, Phase VIII in August

2007 for a private drive with a 40 foot right-of-way that would dead end at a point on Smith Lake with one or two lots to be developed. Due to changes in economic conditions the developer now desires to divide the area into nine lots as Phase VIIIA. The variance request is for the road to be designated as a public road with a 40 foot right-of-way and a turn-around adequate for a garbage truck or school bus to turn around. Mr. Creel recommended granting the variance. Commissioner Willingham made a motion to grant the variance for Lakeshore West, Phase VIII and VIIIA. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Resolution 2009-49 - Set the speed limit on County Road 152 at 15 MPH

Fred Penn, County Engineer, stated County Road 152 is a narrow dirt road. Commissioner Willingham reported an individual has been building "speed bumps" to slow down drivers. He has asked the Sheriff's Department for extra patrols to help deter speeding. Commissioner Willingham made a motion to set the speed limit on County Road 152 at 15 MPH. Commissioner Williams seconded. The motion passed on a unanimous vote.

Consider awarding Bid No. 1011 – Rubber Tire Backhoe

Commissioner Williams stated seven (7) bids were received for the rubber tire backhoe. Tractor Equipment Co. bid meets all specification and warranties requirements with a bid of \$82,393.00. He made a motion to award the bid to Tractor Equipment Co. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 1012 – Server for Reappraisal Department

Joey Martin, IT Director, stated the current server for the Reappraisal Department is six years old and has almost reached capacity. With some added cost, additional services to the County can be obtained, with the County sharing the cost. This would allow all County PCs to be put on the server and establish a domain. The bid price of \$87,335.00 includes 190 hours labor. The project will not require that many hours of labor which will result in a lower final cost. Revenue Commissioner Barry Willingham stated the bid meets the specifications. Commissioner Willingham made a motion to award the bid to Premise, Inc. for a server system upgrade. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Consider awarding Bid No. 1013 – Emulsified Asphalt

Fred Penn, County Engineer, stated one (1) bid was received from Ergon Asphalt and Emulsion, Inc. There was a slight decrease in the price. He recommended awarding the bid; Ergon has given the County good service for a number of years. Commissioner William made a motion to award the bid to Ergon Asphalt Emulsion, Inc. for emulsified asphalt. Commission Willingham seconded. The motion passed on a unanimous voice vote.

Consider awarding Bid No. 1014 – Cold Laid Plant Mix

Mr. Penn stated one (1) bid was received from Wiregrass Construction Co., Inc., formally Shelby Contracting Company. The bid of \$85.00 per ton is the same as last year. Commissioner Williams made a motion to award the bid for cold laid plant mix to Wiregrass Construction Co., Inc. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

OLD BUSINESS

Consider approval of proposed plat for Richter Estate Subdivision located in District 1 on County Road 473

Keith Creel, Assistant Engineer, stated the property is located off Highway 278W on County Road 473. The property is being divided between siblings, which defines it as a true estate and exempts it from County regulations. However, the owners are requesting a minor subdivision which will allow lots to be sold outside the family in the future if they desire. One signature is still required for acceptance as a minor subdivision. Mr. Creel recommended acceptance of the subdivision plat contingent on all signatures being received. Commissioner Willingham made a motion to approve the proposed plat for the Richter Estate Subdivision located in District 1 on County Road 473 contingent on signatures being received. Commissioner Williams seconded, and upon a voice vote, the motion passed unanimously.

Discuss allowing Loretto Volunteer Fire Department to access and maintain barricaded area off old Hwy. 69

Attorney Willingham stated an agreement has been drawn up between the County and the Loretto Volunteer Fire Department for the installation of a gate which will allow the Fire Department controlled access to the area previously barricaded and the end of Old Hwy 69. Commissioner Willingham made a motion to approve the agreement with the Loretto Volunteer Fire Department. Commissioner Williams seconded. Upon a unanimous voice vote, the motion passed.

Chairman Graves announced the next meeting of NARCOG will be August 26, 2009 at the Decatur office of NARCOG.

NEXT REGULAR COMMISSION MEETING MONDAY, AUGUST 31, 2009

Chairman Graves announced the next regular Commission Meeting will be Monday, August 31, 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 10:42 a.m.

James D. Graves, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner