

**COMMISSION MEETING**  
**October 23, 2007**

**CALL TO ORDER AND WELCOME**

A regular meeting of the Cullman County Commission was held Tuesday, October 23, 2007 at 10:00 a.m., in the County Commission Office Conference Room, Chairman Kitchens called the meeting to order and welcomed all visitors.

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

Present were Chairman Wiley Kitchens, Commissioner Wayne Willingham, Commissioner Williams and Attorney Dan Willingham. Dan Willingham gave the invocation and Commissioner Williams lead the pledge of allegiance.

**APPROVE MINUTES, APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSE AND ALL JOURNAL ENTRIES TO BE POSTED**

Commissioner Willingham made the motion to approve. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**PUBLIC COMMENTS**

No Public Comments

**NEW BUSINESS**

**Resolution No. 2007-59 Reduce speed on County Road 545 to 35 MPH**

Fred Penn, County Engineer stated County Road 545 is a paved road off Hwy. 91 West. Due to the horizontal curves, we recommend a speed limit of 35 MPH.

Commissioner Williams made the motion to reduce the speed on County Road 545 to 35 MPH. Commissioner Willingham seconded, and upon a voice vote, the motion passed unanimously.

**Resolution No. 2007-60 Speed Limit on County Road 1389 to 20 MPH**

Mr. Penn stated County Road 1389 is a narrow gravel road off the Eva Road. This road also has a narrow bridge and several curves, I recommend posting this road at 20 MPH.

Commissioner Williams made the motion to reduce the speed on County Road 1389 to 20 MPH.

**Authorize Chairman to sign agreement to refinance Series 2003 Water Revenue Warrants**

David Bussman, Manager of the Cullman County Water Department requested permission to refinance the Series 2003 Bond Issue, this will allow \$3 million in new money. Interest rates will stay the same. We are looking at option II that will pay out in 2020, we will be extending the life of the bond four years.

Commissioner Williams made the motion to authorize the Chairman to sign the refinancing of the 2003 Water Revenue Warrants. Commissioner Willingham seconded.

Commissioner Williams amended his motion adding to allow Merchants Capital to handle refinancing. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Consider awarding Jim Wilson Construction, LLC bid for the construction of the Cullman County Water Department/EMA Building**

Mr. Bussman stated three bids were received on the construction of the Cullman County Water Department/EMA Building. I recommend awarding the bid to Jin Wilson Construction, LLC low bidder with a bid of \$2,051,000.00.

Commissioner Willingham made the motion to award the bid to Jim Wilson Construction. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Authorize Chairman to sign professional services contract with G Squared, LLC for topographic and planimetric mapping for the Tennessee River project**

Mr. Bussman stated this is to get two-foot contours from Cotaco down the pipe line route to Cullman County. All this service is for mapping and contours for Tennessee River project.

Commissioner Williams made the motion to authorize the Chairman to sign contract with G Squared for professional services. Commissioner Willingham seconded and upon a voice vote, the motion carried unanimously.

**Consider authorizing an amendment to the reappraisal budget**

Revenue Commissioner Kay D. Smith stated when the Alabama Dept. of Revenue was going over their budget they realized no overtime was budgeted. We are asking to amend the reappraisal budget in the amount of \$17,000.00 for overtime.

Commissioner Williams made the motion to amend the reappraisal budget. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No. 2007-61 Consider Forming Public Building Authority**

County Attorney Dan Willingham stated the reason for forming a Public Building Authority would be almost a single purpose authority to fund the Department of Human Resources Building that the county is going to construct. The advantage under Title 11-15 is that it will allow the Public Building Authority Board to do the borrowing since it's a funded project. The State will actually pay the rent which will pay the bond off so it does not go against the county's lending numbers, so the county's ability to borrow isn't jeopardized. The commission will need to appoint at least three individuals to the Public Building Authority Board. I did this a little early because I need to acquire some signature for the incorporation of the board from the commission and have it recorded. Then the request will be made to the commission to appoint the board and the authority to proceed.

Commissioner Williams made the motion to table the resolution and ask the attorney to go ahead with the incorporation of the board and then present it to the commission. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Board Appointment Chairman Kitchens – 6 year term**

Chairman Kitchens tabled this item.

**Board Appointment Commissioner Williams – 4 year term**

Chairman Kitchens tabled this item.

**Board Appointment Commissioner Willingham – 2 year term**

Chairman Kitchens tabled this item.

**Resolution No. 2007-65 CRMC**

Commissioner Williams made the motion to table this resolution until signed agreements from CRMC was received. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No. 2007- 62 Reimbursement of expenses on DHR Building**

County Attorney Dan Willingham stated the county has already paid out expenses on the DHR building. This resolution will allow them to be reimbursed by the funding, up till now all of it can be we just want to be positive that any expenditures on the building can be reimbursed from the bond itself which will come thru the Building Authority that you'll create. This resolution can't hurt you so I recommend this resolution.

Commissioner Willingham made the motion to pass this resolution. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No. 2007-63 Consider an increase in compensation paid to Board of Registrars**

Attorney Willingham stated the statute back in 2006 which was Act No. 2006-597 gave the opportunity for the commission to increase the compensation paid to the Board of Registrars. The Board of Registrars is paid a per diem per day, they are not hourly. The State pay's the bulk of their pay the county only pay's a small supplement. This statute allows the commission to give them a pay increase, which they haven't had in some time. Under paragraph A of the Act the commission can just set a number to raise their pay which is a much easier mathematical formula. It has been discussed adding \$2.00 per day as an increase to the Board of Registrars to be added to the supplement which the county already pay's. The commission is currently paying twenty dollars a day and this will increase to twenty-two dollars per day paid by the commission.

Commission Willingham made the motion to pass the increase. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No. 2007-64 Speed Limit on County Road 1447 30 MPH**

County Engineer Fred Penn said this is a paved road off the Eva road that goes approximately one mile before going into Morgan County. Due to the curves we recommend reducing the speed to 30 mph.

Commissioner Williams made the motion to lower the speed on County Road 1447 to 30 mph. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Consider final plat for Bear Pen Subdivision, located in District 2 off County Road 188, subject to \$70,000.00 surety**

Engineering Assistant Keith Creel said on this subdivision the county approved the preliminary in June. The developer has constructed the road and it completed except for the paving. The developer has posted a \$70,000.00 surety bond for the commission to sign off on the final plat so they can go ahead and sell lots.

Commissioner Willingham made the motion to accept the final plat. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Consider plat for Goodwin-Mills, Phase B Subdivision located in District 2 on County Road 295**

Engineering Assistant Keith Creel said Phase A was approved on September 11 subject to a \$240,000.00 surety post on this road. This is a section where the lots had not been divided off that road. At this time he is doing so. It will be subject to the same \$240,000.00 surety to be posted. At this time we do not have the plat in hand due to a family emergency. I am asking the commission to approve the plat contingent upon receiving the plat with the proper signatures.

Commissioner Willingham made the motion to a plat contingent upon the property documents being turned in. Commissioner Williams seconded. Commissioner Williams seconded, an upon a voice vote, the motion carried unanimously.

**Cullman Airport Update – Bob Burns**

Mr. Bob Burns, Manager of the Cullman Airport updated the commission on a pre-application to the FAA for 1.1 million dollars. It will not cost the County anything if they decide to do this. But the first thing is the pre-application. They are three pacific projects requested in this application.

**Consider awarding Bid No. 911 – One or more Tractor(s) – Park and Rec.**

Park and Rec. Director, Robbie Camp stated that Dixie Tractor was the only bidder that met the specs. I recommend awarding the bid to Dixie Tractor. We had a total of 5 bids submitted.

Commissioner Williams made the motion to award the bid to Dixie Tractor. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Consider awarding Bid No. 909 – One or more 10' Right-Hand Batwing Rotary Cutter**

County Engineer Fred Penn stated this bid is for the Road Department. A total of five bids were received. The low bid was Hare Tractor with a bid of \$6500.00. I recommend awarding the bid to Hare Tractor.

Commissioner Williams made the motion to ward the Bid to Hare

**Consider the transfer of two vehicles from Revenue Department to the East and West Road Department**

Commissioner Willingham made the motion to transfer two vehicles from the Revenue Department to the Road Department. Commission Williams second, and upon a voice vote, the motion carried unanimously.

**OLD BUSINESS**

No old business

**NEXT REGULAR COMMISSION MEETING FRIDAY, NOVEMBER 9, 2007**

Chairman Kitchens announced the next regular Commission Meeting will be Friday November 9, 2007 at 10:00 am in the County Commission Office conference room.

**ADJOURN**

Commissioner Willingham made the motion to adjourn. Commissioner Williams seconded.

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Wiley Kitchens, Chairman

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J. Douglas Williams  
Associate Commissioner

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Wayne Willingham  
Associate Commissioner