

COMMISSION MEETING
September 23, 2008

CALL TO ORDER AND WELCOME

A regular meeting of the Cullman County Commission was held Tuesday, September 23, 2008 at 10:00 a.m., in the Cullman 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 Doug Williams and County Attorney Dan Willingham. Attorney 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 HEARING

Vacating Old County Road off AL. Hwy. 91- West Side of County

County Attorney Dan Willingham stated this is an old county road off Al. Hwy. 91 on the West Side of Cullman County. The road no longer exists; all the property is owned by one individual. At this time the property owner is requesting the county to vacate this old road so the deed can be fixed. There were no comments from the public. Mr. Willingham recommended closing the public hearing. He then recommended vacating this road. Commissioner Willingham made the motion to vacate the old road off Al Hwy 91 in Arkadelphia. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

PUBLIC COMMENTS

No Comments

NEW BUSINESS

Alabama Mountain Lakes Tourist Association Board Appointment – Chairman Kitchens

Chairman Kitchens stated that he received a letter from the Alabama Mountain Lakes Tourist Association Board regarding a board appointment for a two year term. No one has requested to be appointed to this board. At this time the Chairman made the motion to appoint Mr. John Sellers, Manger of the OHV Park to the board. The term expires September 30, 2010. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

E911 Board Appointment – Commissioner Willingham

Commissioner Willingham stated this is his board appointment and made the motion to appoint Mr. Claude Buckelew to the E911 board. This is a four year term expiring September 1, 2012. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

Resolution No. 2008-43 Legal Fees

Chairman Kitchens stated the Commission has discussed passing a resolution relating to legal fees. This is a resolution that anyone wanting to sue the County Commission will be responsible for their own legal fees. This has to do with county legalities where the county is sued by an outside source. In the event an elected official or anyone involving the county sues the County Commission, they will have to be prepared to pay their own legal fees. The County Commission will not pay any legal fees. Commissioner Willingham made the motion to pass this resolution. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

Consider renewing stop loss policy with Blue Cross Systems

County Administrator Gary Teichmiller told the Commission the county is self-insured on insurance; our stop loss policy reimburses the county on any claim that is over \$75,000.00. The annual premium of \$267,000.00 is based on how many contracts the county has with employees and their families. Mr. Teichmiller recommended the Chairman sign the contract. Commissioner Williams made the motion to allow the Chairman to sign the BCS Contract. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

Consider awarding Bid No. 971 – Used railroad tank cars

Mr. Fred Penn, County Engineer, stated Diversified Railcar, Inc. was the only bidder. Diversified has been awarded the bid the last four or five years. He recommended awarding the bid to Diversified Railcar, Inc. Commissioner Willingham made the motion to award the bid to Diversified Railcar, Inc. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

Consider rejecting Bid No. 972 – Skid Steer for OHV Park

Mr. John Sellers, Director of Stoney Lonesome OHV Park, recommended that the Commission reject the bids received. He recommended adding additional information to the bid specifications and require that all implements be compatible with the equipment, then rebid for this equipment. Commissioner Williams made the motion to reject and rebid bid number 972. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

Consider long term detention subsidy contract for FY 2009

Mr. Teichmiller stated this contract is for the Juvenile Probation Office managed by Brenda Howell. This is the annual contract with the State of Alabama Youth Services. The county chooses a long term facility; Tennessee Valley has been selected as the county has always used this facility in the past. One (1) or more beds will be reserved, and in return they will reimburse a portion of that cost back to the county. Mr. Teichmiller recommended awarding the contract.

Commissioner Williams made the motion to authorize the Chairman to sign the long term detention subsidy contract. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

Discuss delayed opening of Stoney Lonesome OHV Park

Mr. Sellers informed the Commission of a situation with the Alabama Department of Transportation (ALDOT). They are requesting the county to put a turning lane into the OHV Park on Al. Hwy. 69. This is a delay that could involve as much as two (2) months. Originally the park was scheduled to open in mid October; with this delay, the opening could be some time in December. Mr. Sellers asked the Commission to allow the delay in opening, pending the discussion with ALDOT.

Chairman Kitchens asked County Attorney Dan Willingham if the County allowed the public to come in and ride without a regular schedule for a donation how would that effect the County legally. Attorney Willingham replied that he does not believe ALDOT could say the county could not open the park. The county just wants to delay the opening for safety reasons; this is the county's property for the county to use as it wants to. Mr. Willingham recommended meeting with the state to inform them that the park needs to start certain events, not just open to the public. Commissioner Williams stated the county needs to make sure that liabilities are covered until we can get a meeting with the Highway Department. Commissioner Williams stated it was okay to delay the opening for these reasons stated.

Consider acceptance of County Road 905 located in District 2

Keith Creel, Engineering Assistant, stated this road goes into Winston County and originally belonged to Winston County. The county, in error, has paved and worked this road, Winston County Road 231, the past few years. When the property owners had a survey done, 590 feet of this road at the end comes back into Cullman County and runs parallel with the Winston – Cullman County line. The Cullman County 911 Office has assigned this road as County Road 905. Winston County will not claim or have any dealing with this road now. Mr. Creel recommended the Commission accept this road into the county's maintenance system. Commissioner Willingham made the motion to accept County Road 905 into the county's maintenance system. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

OLD BUSINESS

Resolution No. 2008-44 – Veterans Day Program

Commissioner Williams made the motion to give the Veterans an appropriation of \$500.00 per year. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

RECESSED COMMISSION MEETING

Chairman Kitchens announced the Commission Meeting will be recessed until Monday, September 29, 2008, at 1:00 pm in the Cullman County Commission Office Conference Room.

Wiley Kitchens, Chairman

J. Douglas Williams
Associate Commissioner

Wayne Willingham
Associate Commissioner