

**COMMISSION MEETING  
October 14, 2008**

**CALL TO ORDER AND WELCOME**

A regular meeting of the Cullman County Commission was held Tuesday, October 14, 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 COMMENTS**

**Carolyn Calvert** with the Beat 8 Community Center and voting location informed the Commission on damage to the Central Heat and Air Unit. A claim has been filed with the insurance company (county's insurance company) to fix or replace the unit. Also measures are being taken to secure the unit and prevent it from being tampered with in the future.

**Phyllis Little**, EMA Director, informed the Commission and the public that on Thursday, October 24, 2008 from 9:00 a.m. until 4:00 p.m. the Public Health Department will be giving flu shots to the public at Northbrook Church located on Al Hwy 157. This will be a drive thru clinic; no one receiving the flu vaccine will need to leave their vehicles. The cost of the flu shot is \$5.00.

**George Mann** announced that the Dedication of the Purple Heart Monument will be on Sunday, October 19, 2008, at 2:00 p.m. at the site at Sportsman Lake Park.

**NEW BUSINESS**

**Consider Tax Abatement for American Proteins**

Commissioner Williams stated this is a tax abatement for American Proteins. They are adding a \$10,000,000.00 expansion in equipment and building improvements to add additional production capacity to the facility. This expansion will add an additional 6 employees to their facility. Commissioner Williams made the motion to allow the tax abatement. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Consider the surplus of office equipment from reappraisal**

Gary Teichmiller, County Administrator, said the equipment consists of miscellaneous monitors, tape drives and printers that are not working. Commissioner Williams made the motion to surplus the office equipment from reappraisal. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**Authorize the Chairman to sign annual agreements with agencies receiving appropriations**

Mr. Gary Teichmiller, County Administrator, said the county has approximately 20 agencies that receive appropriations from the county. These are agreements stating the agencies will use these funds within Cullman County to benefit the citizens of the county. The county appropriates approximately \$1.2 million to these various agencies. Commissioner Williams made the motion to allow the Chairman to sign the annual agreements. Commissioner Willingham seconded and upon a voice vote, the motion carried unanimously.

**Consider proposed plat for Point of View Estates Subdivision located in District 2 on Al Hwy 91 and County Road 904 and 905**

Mr. Keith Creel, Engineering Assistant, told the Commission this subdivision consists of the (10) lots and meets all the requirements of the county's regulations. Mr. Creel recommended approval of this subdivision. Commissioner Willingham made the motion to approve the proposed plat for Point of View Estates Subdivision. Commissioner Williams seconded and upon a voice vote, the motion carried unanimously.

**Consider proposed plat for Dillashaw Acres Subdivision located in District 4 on Al Hwy 91 and County Road 955**

Mr. Creel stated this is a subdivision that consists of eight (8) lots and is considered a minor subdivision. All letters have been sent out as stated in the regulations. Mr. Creel recommended approval of this subdivision. Commissioner Williams made the motion to adopt the plat for Dillashaw Acres Subdivision. Commissioner Willingham seconded and upon a voice vote, the motion carried unanimously.

**Resolution No. 2008-45 Speed Limit on County Road 1514 at 25 mph**

County Engineer Fred Penn told the Commission this is a gravel road located off of County Road 747. Mr. Penn recommended posting County Road 1514 at 25 mph. Commissioner Williams made the motion to post County Road 1514 at 25 mph. Commissioner Willingham seconded and upon a voice vote, the motion carried unanimously.

**Resolution No. 2008-46 Speed Limit on County road 203 at 15 mph**

Commissioner Willingham made the motion to set the speed limit on County Road 203 at 15 mph. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No. 2008-47 Speed Limit on County Road 471 at 20 mph**

County Engineer Fred Penn stated this road is a small gravel road located off Logan Avenue. Mr. Penn recommended

setting the speed at 20 mph. Commissioner Willingham made the motion to set the speed limit at 20 mph on County Road 471. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Resolution No 2008-48 Authorize the Chairman to sign an agreement between ALDOT and the Cullman County Commission covering traffic stripe and control markings on various roads. Project No. HRR-CN09 (204)**

Mr. Penn stated \$22,095.00 has been made available through the state for a safety program. The county will need to match 10%, approximately \$2,455.00. Commissioner Williams made the motion to allow the Chairman to sign the agreement with ALDOT. Commissioner Willingham seconded and upon a voice vote, the motion carried unanimously.

**Resolution No. 2008-49 Authorize the Chairman to sign an agreement between ALDOT and the Cullman County Commission on covering cost for resurfacing on County Road 616 from County Road 461 to SR 3. Length 4.114 miles. Project No. STPOA-CN09 (201)**

Mr. Penn informed the Commission this is the Johnson Crossing Road the county has been working on for a while. All the plans have been submitted. This is one of the Federal Aid Projects that the county does once a year. The county's cost is going to run more than anticipated because of the increase in the price of asphalt. The estimated cost for the project is a little over \$1 million; the actual cost will not be known until the bids are let.

Commissioner Williams said after reviewing this, it appears the county may be expected to pull some portion of the cost out of the 2009 funds to help pay for this project. Commissioner Williams is not in favor of using money from the 2009 funds; he has no problem applying left over 2008 funds. Commissioner Williams made a motion to authorize the Chairman to sign the agreement with ALDOT after it is determined how to cover the \$260,000.00 in matching funds without borrowing from the 2009 funds.

County Attorney Dan Willingham stated that the Resolution needs to be re-written to include the provision regarding funding. Commissioner Willingham made a second to the motion and, upon a voice vote, the motion passed unanimously.

**Consider granting an extension for the surety bond held by Cullman County Commission for Goodwin-Mills Subdivision located in District 2 on County Road 295**

Mr. Creel stated this is a subdivision that was approved last year. A bond was posted for widening and repaving the road that is there now. The developer has asked for an extension until July of 2009 for the performance bond that was posted. Commissioner Willingham made the motion to extend the bond until July 2009. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

**Consider authorizing increase in Sanitation rates**

Mr. James Rollo, Manager of the Cullman County Sanitation Department informed the Commission of the increases made by the landfill in 2007 and again in 2008, that increase being adds 5.4%, also the State of Alabama has proposed a \$1/ton for garbage throughout the State. Mr. Rollo asked the Commission to increase the rate by \$1 for residential pick-up which would go from \$10.01 to \$11.01, which is still approximately \$1 cheaper than the City of Cullman. This increase is due to landfill increases and the increase in fuel. Chairman Kitchens asked how long has it been since the county increased the sanitation rate. Mr. Rollo stated the last increase was almost four (4) years ago. Commissioner Williams made the motion to allow the increase. Commissioner Willingham seconded, and upon a voice vote, the motion carried unanimously.

**OLD BUSINESS**

Commissioner Williams stated at one point and time the Commission passed a resolution to allow the Chairman to oversee the Park System without the vote of the Commission. At that time Commissioner Williams made the motion to take the Park System back under the control of all three Commissioners and everything be put to a vote. Commissioner Willingham seconded.

Chairman Kitchens asked Commissioner Williams if he wants a unanimous vote of the Commission. Commissioner Williams replied he was not asking for a unanimous decision but asking for a vote of the Commission for any expenditures of the county parks. Commissioner Williams clarified his motion stating this is for control and operations of the Park System. Upon a voice vote, the motion carried unanimously.

Chairman Kitchens said he would like to make the motion that if the Commission decided to put the Park System back under the control of the Park Board, it would take a unanimous vote of the Commission. Commissioner Williams seconded the motion, and upon a voice vote, the motion carried unanimously.

**NEXT REGULAR COMMISSION MEETING TUESDAY, OCTOBER 28, 2008**

Chairman Kitchens announced the next regular Commission Meeting will be Tuesday, October 28, 2008 at 10:00 a.m. in the County Commission Office Conference Room.

**ADJOURN**

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

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Wiley Kitchens, Chairman

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J. Douglas Williams

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Wayne Willingham

Associate Commissioner

Associate Commissioner