

**CULLMAN CITY COUNCIL
REGULAR MEETING
August 9th, 2010**

Mayor Townson, Council President Gudger, Council Member Page, Council Member Cook, Council Member Hollingsworth and Council Member Folsom met in the Council Chamber at 6:00 p.m. to discuss the correct way to help the City School Board with a 1.5 million financing for improvements. The City Council Members want to get proposals with rates and terms, then return for a decision later.

A discussion regarding declaring the surplus property vacated by Fire Station #2. A testing of the 10 acres of property near CSX Railroad will be evaluated by Gallet Engineers.

Mr. Bob Burns, Airport Manager, gave an update of the Kiwanis's meeting today. Chairman Graves promoted the Duck River Project.

Mr. Roy Williams, City Attorney, Wesley Moore, Accountant and Ruth Rose, City Clerk were present. Mr. Trent Moore from the Cullman Times and Mr. Delton Blalock from the Cullman Tribune were also present for the pre-council meeting.

The Cullman City Council met in regular session on August 9th, 2010 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Mr. Johnny Green presented the invocation.

A roll call by the City Clerk reflected the following. Present - Mayor Max A. Townson, President Garlan E. Gudger, Jr., Council Member Andy Page, Council Member Johnny Cook, Council Member Jenny Folsom and Council Member Clint Hollingsworth. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose. Absent - None.

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on July 26th, 2010. Council Member Folsom seconded the motion and motion carried on roll call vote. Council Member Page: Aye, Council Member Cook: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Cook then moved to approve the minutes as written for the meeting on July 26th, 2010 and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom made a motion to delete item #3 under Roman Numeral X. Council Member Cook seconded the motion and the item was removed by a voice vote. Ayes: All. Nays: None,

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No Report.

Council President Garlan Gudger - Fire Committee - No Report.

Council Member Johnny Cook - Sanitation Committee - No Report.

Council Member Clint Hollingsworth - Street Committee - No Report.

Council Member Jenny Folsom - Finance Committee - A report was made with the 3rd quarter totals for the fiscal year. Sales Taxes were down for the first quarter 8.3%, the second quarter down 1.3% and the third quarter 3.1%. A couple of months the amounts were up a small amount but we have not stabilized yet. Overall the City of Cullman is financially sound making all bond payments and completing capital projects that have been started. No new debts have been issued during this period. The Mayor and all Council Members are working hard with all departments to prepare a sound budget for the upcoming fiscal year. There are budget meetings scheduled 2 to 3 nights each week until the budget is completed. We are going to continue being cautious and conservative with spending at this point.

SPECIAL COMMITTEE REPORTS

None

REPORTS OF OFFICERS

Mayor Max A. Townson - No Report

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Justin Lynch, 694 County Road 267, Simcoe Worship Center, came before the Mayor and Council to thank them for their support and help with the recent march up highway 31. The event was held on July 31, 2010 and around 40 people participated. The march began at the Cullman County Courthouse and 2 crosses were carried by alternating members to Sportsman Lake Road. There were two people that required medical treatment due to the heat but they were reported to be fine. President Gudger thanked the employees for their help and commented he was glad the event was safe and successful.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

A written request from Rev. Bob Kurtz, Pastor of St. John's Evangelical Protestant Church, to partially close Sixth Street SE for a tailgate party. The event will be held on Wednesday, September 1, 2010 from 3:00 p.m. until 9:00 p.m. President Gudger asked Chief Culpepper and Chief Reinhardt if there was any problem with the request. Chief Culpepper said this would not be a problem. Chief Reinhardt agreed. President Gudger requested the closing to allow emergency vehicles access during this time. Council Member Cook made a motion to approve this request with the pending approval of Mayor Townson, Chief Culpepper and Chief

Reinhardt. Council Member Hollingsworth seconded the motion. This request was approved by a voice vote. Ayes: All. Nays: None.

A request from Larry Jones, Sanitation Superintendent, to send out bid specifications or purchase from the State of Alabama bid list for the following items:

(A.) A Four Wheel Drive Tractor and bushhog for an estimated cost of \$38,200.00- Council Member Cook made a motion to approve the request and Council member Page seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays; None.

(B.) A Roll-off truck for an estimated costs of \$150,000.00- Council Member Hollingsworth made a motion to approve the request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: none.

(C.) Containers for roll-off trucks for an estimated cost of \$100,000.00 Council Member Page made a motion to approve this request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

Fire Chief Reinhardt made a request for a travel advance for Mike Hill and Darren Peoples in the amount of \$399.00. Council Member Folsom made a motion to approve this request and Council Member Cook seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None. President Gudger noted this was a budgeted item.

A letter of appreciation from Mr. Matthew Carroll to the Mayor, Council Members, Police Chief and Officers. A concert was held at Sportsman Lake Park on July 31, 2010 and was very successful. President Gudger stated the City of Cullman was happy to assist.

President Gudger asked the Bama Club Members and the Auburn Club Members to come to the podium and state their name. Mr. Ron Pierce, 117-B Fourth St. SE, Downtown Cullman, representing the executive committee of the new and revised Cullman County Bama Club. Mr. Curtis Mize, 909 Nunnelley Ave SW, Cullman, President of the Cullman County Auburn Club. Mr. Allen Green came before the City Council to ask for an Auburn/Alabama Bar-b-que Cook-Off to be held on August 21, 2010. A type of back yard grilling of hamburgers, bar-b-que, and chicken will be sampled and judged. This group would like to change the date to October 30, 2010 to organize and plan for a successful event. The proceeds will be used for endowment scholarships. The Bama Club has not given any scholarships in the past but would like to make this an annual event. Mr. Jimmy Simms has approved this date change for usage of the Festhalle.

Mr. Curtis Mize explained how the scholarship funds were established for the Auburn Club. Mr. Johnny Green presented the Mayor and Council Members will Auburn drink holder and football. The past years Auburn banquets have been attended by over 700 members. Mr. Pierce stated wrist bands, shirts and other items will be available for the public to purchase. Jackson Cook, former CHS football player, will be helping with the event. Mal Moore and Big Al will attend a 'BAMA Club function on Thursday, August 12, to promote the newly formed club. Both groups hope to make this an annual event that will grow and provide more scholarships for our local

students. Council Member Folsom made a motion to allow the date be changed from August 21, 2010 to October 30, 2010. Council Member Cook seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None. President Gudger abstained from voting due to his Father-in-law, Ron Pierce making the request.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

President Gudger stated the next request from the Cullman City School Board is for proposals and terms only. The City Council would like to clear any misconceptions the public may have. This will strictly be a school board debt. Council Member Cook stated the City will be a vehicle for the City School Board to get financing. The financing decision will be made at a later date. Council Member Cook made a motion to adopt the following resolution:

RESOLUTION 2010-92

RESOLUTION FOR THE PURPOSE OF ISSUING WARRANTS FOR VARIOUS CITY SCHOOL IMPROVEMENTS

BE IT RESOLVED by the Mayor and City Council (herein called the "Council") of the City of Cullman (herein called the "City") in the State of Alabama as follows:

Section 1. Findings. The Council has ascertained and determined and hereby finds and declares as follows:

(a) Whereas the Board of Education has requested the City of Cullman to issue approximately \$1,500,000 aggregate principal amount of general obligation warrants (herein called the "Warrants") for the purpose, among other things, of paying the costs of acquiring, equipping and constructing various capital school improvements in the City;

(b) Whereas the city is entrusted in providing the Board with an avenue to finance the improvement; Therefore, the City Council authorizes the Mayor to send out Request for Proposals for the purpose of funding these improvements and to determine if the market will be suitable for such funding through the City of Cullman if the city determines the funding is in the best interest of the City of Cullman the following terms shall apply;

(c) Prior to the issuance of the Warrants, the Board (as the recipient of the proceeds to be derived from the sale of the Warrants) expects to incur certain costs in connection with the said improvements and proposes to expend certain moneys in payment of such costs prior to the issuance of the Warrants;

(d) The Board expects to allocate to itself, from the proceeds of the Warrants, moneys to reimburse itself with the expenditures made prior to the issuance of the Warrants and it is expected that the maximum amount

of such proceeds that will be allocated to reimburse the Board will not exceed \$1,000,000; and

(e) Expenditures with respect to the acquisition and construction costs will be paid by the Board out of its general fund pending the issuance of the Warrants.

Section 2. Declaration of Intent. This declaration of intent by the City (and by the Board as the recipient of the proceeds to be derived from the sale of the warrants) to reimburse the Board's general fund out of the said proceeds derived from the sale of the Warrants shall constitute a declaration of official intent under Section 1.150-2 of the regulations issued by the Internal Revenue Service under the Internal Revenue Code of 1986, as amended. This declaration of official intent shall be made available for public inspection (that is, a copy of it shall be posted on the bulletin board at the City Hall) and shall be set out in the official minutes of the meeting of the Council at which it is adopted.

Section 3. Payment of Cost. The Board shall pay to the City payment of all costs of the issuance of said Warrants as incurred by the City along with the repayment and expense of repayment of the Warrants and sinking fund or reserved fund required of said issuance on prior payment due by the City of Cullman.

ADOPTED this 9th day of August, 2010.

/s/ Garlan E. Gudger, Jr.

President of the City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED this 9th day of August, 2010.

/s/ Max A. Townson
Mayor

Council Member Page seconded the motion and the resolution was adopted by a voice vote.
Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the following Resolution awarding a bid for tree services:

RESOLUTION NO. 2010-93
Tree Services on Daisy Avenue & Arnold Street

Bid Award

WHEREAS, bids were opened on August 5th, 2010 at 2:00 pm for Tree Services located on Arnold Street and Daisy Avenue for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 6 vendors:

Colburn's Tree Service	Cullman	850.00
Clemmon's Tree Service	Cullman	899.00
Marshall's Tree Service	Hanceville	1,099.00
Reeves and Son, LLC	Vinemont	1,100.00
Discount Tree Service	Crane Hill	1,250.00
Tommy's Tree Service	Bremen	1,750.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Colburn's Tree Service, the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the bid for the tree service be awarded to Colburn's Tree Service of Cullman, AL at this time.

ADOPTED this the 9th day of August, 2010.

/s/ Garlan E. Gudger, Jr.
President of the City Council

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 9th day of August, 2010.

/s/ Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion and motion was approved by a voice vote.
Ayes: All. Nays: None.

President Gudger explained the old Fire Station #2 needs to be declared surplus property due to the fact the City of Cullman does not have a use for the building. The park in front of the building near Main Avenue will be kept by the City of Cullman. City Attorney, Roy Williams, explained this process will allow for an appraisal and fair market value to be assessed. Council Member Folsom made a motion to suspend the rules for the first reading of this ordinance. Council Member Cook seconded the motion and the Clerk polled the Council Members. Council Member Page - Aye. Council Member Cook - Aye. Council President Gudger - Aye. Council

Member Folsom - Aye. Council Member Hollingsworth - Aye. President Gudger now asked the Council Members to entertain a motion to adopt the ordinance. Council Member Cook made a motion to adopt the following Ordinance:

ORDINANCE 2010-12
Old Fire Station #2

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. It is hereby established and declared that the following described real property of the City of Cullman, Alabama, is no longer needed for public or municipal purposes, to-wit:

Parcel 17-05-15-3-007-001.000
Book 338
Page 35
Lot 56 - City of Cullman
Section/Township/Range 15-10S-03W

SECTION 2. That the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Cullman, Alabama, a warranty deed, a copy of which is on file in the office of the City Clerk, whereby the City of Cullman, Alabama, may convey the premises described in Section 1, and have an appraisal completed to determine the fair market value.

ADOPTED this the 9th day of August, 2010.

/s/ Garlan E. Gudger, Jr., Council President

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 9th day of August, 2010.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this the 9th day of August, 2010.

/s/ Max A, Townson, Mayor

Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook wished a belated birthday wish to Council Member Folsom followed by a Big War Eagle!

President Gudger reminded everyone to get out support the local football teams. Being no further business to come before the Mayor and Council a motion to adjourn was made by Council Member Hollingsworth. Council Member Page seconded the motion and the meeting was adjourned at 7:31 pm by a voice vote. Ayes: All. Nays: None.