

**CULLMAN CITY COUNCIL
REGULAR MEETING
June 28th, 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 6:45 p.m. with a review of the Economic Development Board meeting held at 6:00 PM. The replacement of the Eva Bridge and building a holding pond in the industrial park near Lufkin Industries, Inc. were discussed with Mr. Dale Bright and Bill St. John of St. John and Associates. Mr. Roy Williams, City Attorney, Wesley Moore, Accountant and Ruth Rose, City Clerk were present. Mr. Trent Moore from the Cullman Times was also present for the pre-council meeting.

The Cullman City Council met in regular session on June 28th, 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. Chad Witcher of First Baptist Church 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 June 7th, 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 Folsom then moved to approve the minutes as written for the meeting on June 7th, 2010 and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

None

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Council Member Page asked Police Chief Culpepper to come forward along with Asst. Chief Sandlin. Sgt. Terry Gilliland and Officer Eric Cole were asked to come forward to receive special commendations for outstanding service. Council Member Page stated the outstanding work performed by "B" shift during a robbery in June at the Rent-A-Center. The officers worked together and caught the suspect by performing excellent work. Asst. Chief Sandlin informed the group of a new program started in the department to recognize officers for special talents and outstanding work. The first award for the program is for a "Life Saving Award". Chief Culpepper asked Mayor Townson to make the following presentation to Officer Eric Cole:

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 - No Report.

SPECIAL COMMITTEE REPORTS

None

REPORTS OF OFFICERS

Mayor Max A. Townson - No Report

COMMENTS FROM ANYONE NOT ON THE AGENDA

None

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

President Gudger presented a written request that was tabled last meeting from Mr. Derek Dale of the Desperation Church to use Depot Park on Friday, July 23rd, 2010. The church will host a family movie night with drinks, snacks, games and inflatables. The event will begin at 5:00 PM and last until around 10:00 PM for an estimated 300 people. Mr. Dale was asked to come forward to the podium. Mr. Dale asked to use the park each Friday night in the month of July. Police Chief Culpepper and Fire Chief Reinhardt were asked for any comments. Both agreed there were no concerns or problems. President Gudger did stress the ending time of 10:00 pm may be addressed if there are any problems reported by the surrounding residents. Mayor Townson asked which way the speakers would be directed. He suggested facing away from the apartments to buffer the noise. Mayor Townson praised the work and improvements made to the present building. Council Member Cook made a motion to approve the request and Council Member Hollingsworth seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

A request for a noise permit which was tabled from the last council meeting on June 7th was presented by Mr. Matthew W. Carroll of the group Wicked Lemur. Mr. Carroll is hosting a concert at Sportsman Lake Park on Saturday, July 31, 2010 from 4:00 PM until 10:30 PM. President Gudger asked Mr. Carroll to come forward. Mr. Carroll discussed the request with Chief Culpepper and agreed to change the ending time from 10:30 to 9:00 PM as other concerts have been asked to do in the past. The cost will be \$4 on pre-sales and \$6 to \$7 at the gate. Mr. Carroll hopes to make this an annual event using mostly local bands. Council Member Folsom made a motion to approve the request with the amended ending time.. Council Member

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

President Gudger read a written request from Ms. Rebecca Johnsen to host a monthly prayer rally on the first Saturday of each month from 3:00 PM until 4:00 PM in front of the Cullman County Courthouse. Council Member Cook made a motion to approve the "Mission to Unite" rally on the sidewalk in front of the courthouse. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Mr. Stewart Goldsby, State of Alabama Conservation Officer, was present to request permission to host the 6th Annual Youth Dove Hunt. The hunt would be held on Saturday, September 11th and September 18th, 2010 on the experimental station property. Mr. Goldsby hosted around 65 groups last year for this event. Chief Culpepper said the event has been safe and successful in the past. Mayor Townson asked what was done with the doves. Mr. Goldsby said the youth are taught how to dress the doves for food. Council Member Cook made a motion to approve the request and Council member Hollingsworth seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Stewart Goldsby also wanted to thank John Hunt, Park Director and the City of Cullman Park and Recreation Department for the help and support of the Archery Park. The pavilion is almost complete and the park is being recognized all over the United States. A group will visit the park in December 2010 and Cullman will be in the spotlight.

Council Member Folsom made a motion to approve the purchase of 2 CanoScan Flatbed Scanners in the amount of \$179.98 for the IT Department. Council Member Cook seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request for Leanne West to purchase a new Dell Computer in the amount of \$1,242. Council Member Page seconded the request and approval was made by a voice vote. Ayes: All. Nays: None.

A request from Mr. Junion Heaton, Water and Sewer Superintendent, to purchase water materials in the amount of \$4,644 from Vellano Brothers was approved by a motion made by Council Member Folsom and seconded by Council Member Cook. The purchase was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Cook made a motion to adopt the following resolution authorizing the Waste Water Treatment Plant Superintendent, Jeff Adams to make an emergency purchase. The following resolution was read:

**RESOLUTION NO. 2010-78
RESOLUTION FOR EMERGENCY PURCHASE OF
U.V. TREATMENT GLASS SLEEVES AT CULLMAN WWTP**

WHEREAS, it has come to the attention of the City Council there is a serious problem with treatment results at the Cullman Waste Water Treatment plant; and

WHEREAS, the situation was unknown and the remedy to correct problem in a timely manner for a proper bid process for the equipment to be purchased, and

WHEREAS, the Waste Water Treatment Plant Supervisor, Jeff Adams, declares this an emergency and needs the equipment to correct the problem as soon as possible; and

WHEREAS, the manufacturer for the parts can provide them directly from the factory for a cost of \$355.00 each and 60 are needed at this time for a total of \$21,300; and

WHEREAS the department superintendent and the utility engineer recommend an immediate solution;

IT IS the opinion of the Council that this situation which has suddenly and unexpectedly arisen requires speedy action in order to alleviate further damage to existing water streams and could effect the public health, safety, and convenience of the citizens of Cullman.

THEREFORE, the Council resolves the equipment purchase be approved.

ADOPTED this the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED this the 28th day of June, 2009.

/s/ Max A. Townson
Mayor

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

Council Member Folsom made a motion to adopt the following resolution which authorizes a change in the demolition contract with CiviCon LLC.

RESOLUTION 2010-79
RESOLUTION AUTHORIZING CHANGE ORDER
Demolition of Buildings on Greif Brothers Property

WHEREAS, the City of Cullman has heretofore awarded a contract for Demolition of two buildings located on the Greif Brothers Property to CiviCon General Contractors; and

WHEREAS, it has been determined that a change order to the contract is necessary as set out in the attached Request for Change Order #1 in the total amount of \$3,200.00 for the removal of slab foundation piers and containment ring located beside building #1 and an adjustment for copper wiring removed from building West of building #1 being a credit of \$325.00; and

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cullman the Mayor be and is hereby authorized to execute a change order now before the Council at an increased amount of \$2,875.00 to the contractor CiviCon General Contractor on behalf of the City of Cullman.

ADOPTED this the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of June, 2010.

/s/ Max A. Townson
Mayor

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

Council Member Cook made a motion to approve the following resolution which is a tax abatement for Cullman Yutaka:

Resolution 2010-80
Tax Abatement for Alabama Cullman Yutaka Technologies Expansion

This Resolution is made this 28th day of June, 2010 by the **City of Cullman**, Alabama, to grant a tax abatement for **Alabama Cullman Yutaka Technologies (ACYT)**

WHEREAS, **Alabama Cullman Yutaka Technologies** has announced plans for purchasing new equipment that is a major addition to their existing facility and is located within the jurisdiction of the City of Cullman; and

WHEREAS, pursuant to the Tax Incentive Refprm Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), **Alabama Cullman Yutaka Technologies** has requested from the City of Cullman an Abatement of all state and local non-educational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and all mortgage and recording taxes; and

WHEREAS, **Alabama Cullman Yutaka Technologies** has requested that the abatement of state and local non-educational ad valorem taxes be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, The City of Cullman has considered the request from **Alabama Cullman Yutaka Technologies** and the completed application (copy attached) filed with the City of Cullman by **Alabama Cullman Yutaka Technologies**, in connection with its request; and

WHEREAS, the City of Cullman has found the information contained in the **Alabama Cullman Yutaka Technologies'** application to be sufficient to permit the City of Cullman to make a reasonable cost/benefit analysis of the project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of 4.6 million dollars; and

WHEREAS, **Alabama Cullman Yutaka Technologies** is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the City of Cullman represents and warrants to **Alabama Cullman Yutaka Technologies** that it has power under the constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the City of Cullman as follows:

Section 1. Approval is hereby given to the application of **Alabama Cullman Yutaka Technologies** and abatement is hereby granted of all state and local non-educational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education and all mortgage and recording taxes as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes shall extend for a period of 10 years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The Mayor and City Council Members for the City of Cullman is authorized to enter into the abatement agreement with **Alabama Cullman Yutaka Technologies** to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to **Alabama Cullman Yutaka Technologies** to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The Mayor and City Council Members of the City of Cullman are authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the City of Cullman, of Alabama at a City Council Meeting held on the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this 28th day of June, 2010.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this 28th day of June, 2010.

/s/ Max A. Townson, Mayor
City of Cullman, Alabama

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

Council Member Page made a motion to approve the following resolution which is a tax abatement for Performance Healthcare Products:

RESOLUTION 2010-81

This Resolution is made this 28th day of **June , 2010** (the Effective Date)

by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement

for **Performance Healthcare Products** (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local noneducational ad valorem taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$16,000** ; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

all state and local noneducational ad valorem taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement

with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the **City of Cullman, Alabama** of Alabama at a meeting held on the **28th** day of **June, 2010**.

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

ATTEST

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this 28th day of June, 2010.

/s/ Max A. Townson, Mayor
City of Cullman, Alabama

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

President Gudger explained these abatements did not exempt educational taxes. This helps to promote more jobs and brings businesses to the City of Cullman.

Council Member Hollingsworth made a motion to approve the following resolution:

RESOLUTION 2010-82

**Tree Services on Corner of Aker Street & West Main,
1601 Lessman Street SW and 810 Second Avenue SE**

WHEREAS, bids were opened on June 24, 2010 at 2:00 pm for Tree Services located on the corner of Aker Street and West Main, 1601 Lessman Street SW and 810 Second Avenue SE for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 4 vendors:

Clemmon's Tree Service	Cullman	\$5,500.00
Discount Tree Service	Crane Hill	2,750.00
Michael's Tree Service	Addison	2,500.00
Reeves and Son, LLC	Vinemont	1,665.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Reeves and Son, LLC of Vinemont, AL 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 Reeves and Son LLC Vinemont, AL at this time.

ADOPTED this the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of June, 2010.

/s/ Max A. Townson
Mayor

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

Council Member made a motion to approve the following resolution which authorizes the Mayor to negotiate the bid price from Mid South Trenchless for the Austin Avenue Sewer Project:

RESOLUTION NO. 2010-83

RESOLUTION AUTHORIZING CONTRACT FOR SEWER LINES AT AUSTIN AVENUE BE NEGOTIATED BY THE MAYOR WITH MID SOUTH TRENCHLESS OF DALTON, GEORGIA

WHEREAS, Utility Engineering Consultants, LLC prepared bid specifications for Austin Avenue Gravity Sewer Repairs hereafter referred to as the "Project"

WHEREAS, the City opened bids on Friday, June 4th, 2010 at 2:00 PM and only had one vendor responded with a bid. Mid South Trenchless made a bid of \$1,180,530.00 which was more than budgeted for the said project, and

WHEREAS, the City Council finds that it is in the best interest of the City to authorize the Mayor to negotiate the price and try to proceed with the work set out in the proposal with a price more in line with the budgeted revenues.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to negotiate an agreement with **Mid South Trenchless** for and on behalf of the City of Cullman to perform the services related to the Project as set out in the bid specifications for services at a price more in line with the budget .

ADOPTED this the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of June, 2010.

/s/ Max A. Townson
Mayor

Council Member Cook seconded the motion and the resolution was approved by a voice vote. Ayes: All. Nays: none.

Council Member Cook made a motion to adopt the following resolution:

RESOLUTION 2010-84

AWARDING OF BID FOR MCGUKIN CIVIC CENTER ROOF REPLACEMENT AND MULTI-PURPOSE ROOM CEILING RENOVATIONS

WHEREAS, bids were opened on Thursday, June 24th , 2010 for work which shall consist of installing and supplying all materials to replace the roof on the McGukin Civic Center and renovate the ceilings in the multi-purpose room.

WHEREAS, the following Six (6) vendors submitted their bids which consisted on a total for Base Bid, Alternate #1 and Alternate #2 :

Platinum Construction	Birmingham	\$314,400.00
Reidco General Contracting, Inc.	Vinemont (no bid on Alt.#2)	348,106.00

Alabama Roofing & Sheet Metal	Anniston	420,000.00
Eidson & Associates, inc.	Cullman	428,300.00
CiviCon	Cullman	428,817.00
Craft & Associates, Inc.	Cullman	594,282.00

WHEREAS, the recommendation from Mr. Frank Fagg, owner of F & O Architects, LLC is to award the bid to the lowest responsive bidder, Platinum Construction, 2902 Lake Highland Way, Birmingham, AL 35242 in the amount of \$314,400.00.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to Platinum Construction of Birmingham, AL at this time.

ADOPTED this the 28th day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of June, 2009.

/s/ Max A. Townson
Mayor

Council member Page seconded the motion and the bid was awarded by a voice vote. Ayes: All.
Nays: none.

Council Member Page made a motion to approve the following Resolution:

RESOLUTION NO. 2010-85
AUTHORIZING MAYOR TO SIGN AGREEMENT
FOR AIRPORT LAND PURCHASE PROJECT NO.AIP 3-01-0022-017-2010

WHEREAS, the City of Cullman and Cullman County Commission have the opportunity to purchase 31.69 acres of property identified as the Mobley Tract for the Cullman Regional Airport; and

WHEREAS, the City has considered the price of the property being \$366,200.00 and shared by the Federal Aviation Administration (95%), State of Alabama (2.5%), Cullman County Commission (1.25%) and City of Cullman (1.25%); and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with the purchase of the land with the portion paid by the City not to exceed \$25,000.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement for and on behalf of the City of Cullman to purchase the property for the Cullman Regional Airport's future growth and development.

ADOPTED this the 28th day of June, 2010.

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

ATTEST

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 28th day of June, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of June, 2010.

/s/ Max A. Townson, Mayor

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

Council Member Cook made a motion to adopt the ordinance to annex property into the City of Cullman. This is the second reading of the following Ordinance:

ORDINANCE NO. 2010-10

**AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO
THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA**

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

SECTION 1. The City Council of the City of Cullman finds that

**Jonathan McKoy and Frances McKoy
395 County Road 1435
Cullman, Alabama 35058**

has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman, to-wit:

A Part of Lot No. 1 in F.J. Crampton's Addition to the City of Cullman, Alabama, as shown and known on the recorded map of said Addition, more particularly described as follows, to-wit: Beginning at a point on the East line of said Lot, 253 feet Northwest of the Southeast corner of said Lot No. 1; thence running in a Southwesterly direction along the Northwesterly line of the David Barnett line a distance of 406 feet to the South line of said Lot No. 1; thence West along said South line of Lot Number 1 a distance of 300 feet to the Southwest corner of said Lot; thence North along the West line of said Lot Number 1 a distance of 107 feet; thence in an Easterly direction a distance of 610 feet to the East line of said Lot Number 1; thence in a Southerly direction along said East line of lot Number 1, 120 feet to the point of beginning. Source of Title/Description: Deed Book 529 Page 655.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the following described tracts or parcels of land, to-wit:

A Part of Lot No. 1 in F.J. Crampton's Addition to the City of Cullman, Alabama, as shown and known on the recorded map of said Addition, more particularly described as follows, to-wit: Beginning at a point on the East line of said Lot, 253 feet Northwest of the Southeast corner of said Lot No. 1; thence running in a Southwesterly direction along the Northwesterly line of the David Barnett line a distance of 406 feet to the South line of said Lot No. 1; thence West along said South line of Lot Number 1 a distance of 300 feet to the Southwest corner of said Lot; thence North along the West line of said Lot Number 1 a distance of 107 feet; thence in an Easterly direction a distance of 610 feet to the East line of said Lot Number 1; thence in a Southerly direction along said East line of lot Number 1, 120 feet to the point of beginning. Source of Title/Description: Deed Book 529 Page 655.

said property to be zoned R-1.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED this the 28th day of June, 2010.

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

Attest:

**/s/ Ruth W. Rose
City Clerk**

TRANSMITTED to the Mayor this the 28th day of June, 2010.

**/s/ Ruth W. Rose
City Clerk**

APPROVED this the 28th day of June, 2010.

**/s/ Max A. Townson
Mayor**

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

Council Member Cook made a motion to suspend the rules to consider adopting an Ordinance on the first reading. Council Member Folsom seconded the motion and the Council Members were polled. Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Folsom made a motion to approve the Ordinance for Sales Tax Exemption on certain school items. The following resolution was read:

ORDINANCE NO. 2010 - 11

AUGUST 6 - 8, 2010

**AN ORDINANCE TO PROVIDE FOR THE EXEMPTION
OF THE COVERED ITEMS IN ACT 2006-574 FROM**

**CITY SALES TAX COMMENCING 12:01 A.M. ON
THE FIRST FRIDAY IN AUGUST 2010 AND ENDING
AT 12:00 MIDNIGHT THE FOLLOWING SUNDAY**

WHEREAS, the Legislature of the State of Alabama through Act 2006-574 has allowed cities and counties to exempt certain items mainly for the purchase of supplies, course studies, and clothing for children at the beginning of each school year, from sales and use taxes, the items allowed to be exempt specifically outlined in Act 2006-574; and

WHEREAS, said Act also limits the exemption to items purchased during a specific period of time being 12:01 a.m. on the first Friday in August and ending at midnight the following Sunday; and

WHEREAS, the City of Cullman receives, directly or indirectly through ordinance or legislative act, certain sales and use taxes which may be exempted under the provisions of Act 2006-574; and

WHEREAS, the City Council of the City of Cullman finds and determines that it concurs with the exemption enacted by the Legislature in order to encourage and assist families in the purchase of necessary and essential items to properly clothe and provide their children with quality equipment and sufficient supplies to enhance their learning, comfort, and enjoyment of the school year ahead.

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

Section 1. The city of Cullman hereby abates or suspends and exempts only those items listed in Act 2006-574 from sales and use taxes levied or received by the City of Cullman for sales completed (being purchased and delivered to the customer) during the period commencing the first Friday in August 2010 at 12:01 a.m. and ending on the following Sunday at 12:00 p.m. The items listed in Act 2006-574 shall not be exempt from sales or use tax during any time period other than the above stated first full weekend in August.

Section 2. The City Council of the City of Cullman may amend this ordinance or adopt a separate ordinance to extend this exemption of sales and use tax for first full weekend in August for future years.

Section 3. Nothing in this Ordinance shall be construed to grant, exempt, amend, abate, or void any sales or use tax ordinance, law or legislation in any manner other than described in Alabama Legislative Act 2006-574.

ADOPTED this the 28TH day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28TH day of June, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28TH day of June, 2010.

/s/ Max A. Townson
Mayor

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

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 7:42 pm by a voice vote. Ayes: All. Nays: None.

