

**CULLMAN CITY COUNCIL
REGULAR MEETING
September 13th, 2010**

Mayor Townson, Council President Gudger, Council Member Page, Council Member Cook, Council Member Hollingsworth met in the Council Chambers at 6:00 p.m. to review and discuss the business items on the Agenda.

Mr. Roy Williams, City Attorney 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 September 13th, 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. John Hunt, Park and Recreation Director, 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 and take immediate action regarding the minutes from the meeting on August 23rd, 2010. Council Member Page 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 August 23rd, 2010 and Council Member Folsom 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 add a resolution under Roman Numeral X item #13 to authorize the Mayor to enter an agreement with Goodwyn, Mills and Cawood to apply for an EPA Brownsfield Cleanup grant for the Grief Property. Council Member Cook seconded the motion and a voice vote approved the addition to the agenda. 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 - No Report.

SPECIAL COMMITTEE REPORTS

None

REPORTS OF OFFICERS

Mayor Max A. Townson - Welcomed Chairman James Graves to the meeting tonight.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Michael Sullins, Oktoberfest Committee, reported on an upcoming event to be held on October 9th, 2010 from 6:00 pm until 10:00 pm. This will be a free concert held by 3 local bands in Depot Park. The name of the event will be Rocktoberfest. Desperation Church will help sponsor the event. Food vendors and contests for participants will be held. President Gudger explained the bands would be facing the railroad tracks and the sound will be going away from the apartments across the street. Council Member Hollingsworth noted most events in the past were asked to stop by 9:00 pm. Chief Culpepper was not available for comment but President Gudger explained if any complaints were expressed after 9:00 pm the music would have to stop.

Chief Reinhardt did not have any problem with the event. Other functions with Oktoberfest will be held at the McGukin Civic Center that night. This event will be for the younger group of supporters. Council Member Cook made a motion to add this to the agenda tonight under Roman Numeral X item #14. Council Member Hollingsworth seconded the motion and President Gudger noted this will be addressed pending approval from Police Chief Culpepper and the Mayor. The item was added to the agenda by a voice vote. Ayes: All. Nays: None.

Ms. Sue Turner, Life Chain Chairman, came before the council to request a date change for the annual event. The event was approved by the council on July 26th, 2010 for October 9th, 2010. She is requesting to change the date to October 30th, 2010. The same time and place. President Gudger explained the request was already on the agenda tonight under the petitions section. Mr. Roy Williams, City Attorney, said the item could be considered next. President Gudger asked if there were others interested in commenting but not on the agenda. There were none.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

President Gudger asked the pleasure of the Council on the consideration of changing the date for the Annual Life Chain event. Council Member Folsom made a motion to approve the date change and Council Member Page seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Eric Parker, Premier Pyrotechnics, made a request for a permit for a fireworks show to be held at Sportsman Lake Park on New Year's Eve. President Gudger asked Fire Chief Reinhardt

if he was aware of the request. Chief Reinhardt explained the State of Alabama would need to issue a permit and Fire Marshall Chaffin would need to do an inspection. Mayor Townson stated the Cullman County Commission owned the park and would need to give approval. Chairman Graves came to the podium and stated the Cullman County Commission were sponsoring the event. Council Member Cook asked Chairman Graves if this was the finalee to the Christmas in the Park event? Chairman Graves welcomed the city to support and share in the event. Chief Reinhardt was asked to review the request and come back to the council with a recommendation. President Gudger asked Mr. Roy Williams, City Attorney, if this was the correct procedure to follow. Mr. Williams stated the City of Cullman would need to adopt a resolution to place with the application to the State of Alabama. Council Member Cook made a motion to approve the request with the stipulation of approval by the State and Fire Marshall. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

A written request from Mr. Ernest W. Hauk, Principal of Sacred Heart School, to close First Street, S.E. beginning Thursday morning, September 30, 2010 from 9:00 am until Monday, October 4, 2010. The annual German Festival will be held on Saturday, October 2, 2010. Council President asked Chief Reinhardt and Mayor Townson if there was problems with the request. Being none Council Member Folsom made a motion to approve the request and Council Member Page seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

Mr. Ron Pierce, Downtown Merchant's Association, came to request a permit to host the Second Annual Christmas Parade on Saturday, November 13, 2010 beginning at 9:30 am. Mr. Pierce said several civic organizations and the Chamber of Commerce are working with the association. Mr. Pierce said the event would begin at Busy Bee Hamburger. The Mayor and Chief Culpepper will finalize the entire route. Mr. Pierce said the parade helped to promote sales in all downtown stores. The annual event of Christmas Open House is hosted on Saturday and Sunday. Next year the Downtown Merchant's Association plan to apply for a non-profit status and build up the organization. There will be food collections for the needy and donations for the animal shelters. They plan to utilize the green spaces at Depot Park and Festhalle. President Gudger asked to include Chief Reinhardt to the approval committee for the route. Council Member Cook made a motion to approve the request with the Mayor, Chief Culpepper and Chief Reinhardt's approval of the route. Council Member Hollingsworth seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None. President Gudger abstained from voting due to the request being made by his Father-in-law.

The next request is from the Sanitation Department for a router, firewall and T1 cards to install a connection between City Hall and the Sanitation Department Office. Premise, Inc can provide the services for \$6,500.00. This project will put the Public Works Annex on the City's network for security and allow the Sanitation Department inquiry into accounts billed by the Cullman Power Board. Council Member Folsom made a motion to approve the request and Council member Page seconded the motion. The approval was granted by a voice vote. Ayes: All. Nays: None.

Mr. Jerry Freeman, Administrative Assistant to Mayor Townson, made a request to take bids for an asbestos survey and abatement for a single family house located on 701 Second Avenue NE.

The house will be demolished by city employees after the abatement. Council Member Page made a motion to approve the request and Council Member Cook seconded the motion. The approval to take bids on this project was approved by a voice vote. Ayes: All. Nays: None.

Ms. Joan Von Lehe, Professional Probation Services, stated they have been collecting fees for the municipal court system since 2003. At that time Cathy Drake was the court clerk. The Current Court Clerk, Mrs. Dana Phillips, feels her staff can provide these clients the services without the monthly fee of \$35.00. Mrs. Phillips and Judge Turner mailed a written notice to Mr. Tom York on August 16, 2010 making Professional Probation Services, Inc aware their services were no longer needed. Mr. York sent all council members a letter of the services being offered by the firm. Ms. Von Lehe is the office manager and probation officer for local cases. She is currently handling an estimated 600 cases with a monthly fee of \$35.00 per client. Ms. Von Lehe is concerned about the loss of her job and the office in Cullman being closed. President Gudger told Ms. Von Lehe the Mayor and Council will review her request and take this under advisement. President Gudger asked Ms. Von Lehe to come to the next council meeting on September 27, 2010.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Folsom made a motion to adopt the following resolution to award a tree bid:

RESOLUTION NO. 2010-100

**Tree Services on 710 Second Avenue S.E.
Bid Award**

WHEREAS, bids were opened on September 2, 2010 at 2:00 pm for Tree Services located on 710 Second Avenue, S.E. for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from three vendors:

Clemmon's Tree Service	Cullman	1,200.00
Discount Tree Service	Crane Hill	1,150.00
Reeves and Son, LLC	Vinemont	1,695.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Discount 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 Discount Tree Service of Crane Hill, AL at this time.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of September, 2010.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2010-101

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF AN
AGREEMENT WITH CULPEPPER CATTLE COMPANY
11 ACRES LOCATED ON MITCHELL ROAD**

WHEREAS, Neal Culpepper of Culpepper Cattle Company has presented the attached proposal to provide an exchange of property owned by the City of Cullman which was declared surplus by Ordinance 2010-12; and,

WHEREAS, the City has considered this to be in the best interest of the residents of the City of Cullman to exchange Lot #56 of the Fire Station property located on Seventh Avenue for 11 acres of property owned by Mr. Culpepper located on the NE corner of the intersection of Mitchell Road and the CSX Railroad; and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with the proposal after receiving an appraisal report from Timmerman Appraisal Company stating the property owned by the City of Cullman is valued at a lesser amount than the property located on Mitchell Road; and

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with Mr. Neal Culpepper for the exchange of properties described in the contract.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of September, 2010.

/s/ Max A. Townson
Mayor

Council Member Page seconded the motion. President Gudger asked how long the property had been declared surplus. City Attorney, Roy Williams said the property was declared surplus over 30 days ago and this was the only offer made on the vacated property. He also said the City of Cullman had been looking for more property for future expansion possibly for storage warehouses. The property exchange was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve a tax abatement for Cash Acme in the following resolution:

RESOLUTION 2010-102

This Resolution is made this 13th day of September, 2010 (the Effective Date)

by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Cash Acme** (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 **\$5,250,000** ; 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 **13th** day of **September, 2010** .

/s/ Garlan E. Gudger, Jr.
President

ATTEST:

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this 13th Day of September 2010.

/s/ Max A. Townson, Mayor

Council Member Cook seconded the motion. Mayor Townson explained the abatement will not exempt education taxes. The resolution was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to adopt the following resolution for a tax abatement for Keystone Automotive:

RESOLUTION 2010-103

This Resolution is made this 13th day of **September**, **2010** (the Effective Date)

by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Keystone Automotive Industries TN, Inc.** (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 **\$735,000**; 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 **13th** day of **September, 2010** .

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this 13th Day of September 2010.

/s/ Max A. Townson, Mayor

Council Member Hollingsworth seconded the motion. Mayor Townson explained the education taxes are not being exempted. Council Member Folsom stated this abatement will save the 40 jobs currently at Keystone and create approximately 15 more jobs. The resolution was adopted by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following Resolution which amends a previously tax abatement for Cash Acme:

Resolution 2010-104

AMENDED RESOLUTION

This Resolution is made this **13th** day of **September**, **2010** (the Effective Date) to replace the existing resolution passed on the **22nd** day of **February, 2010** by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Cash Acme** (the Company). This resolution is amended to show that **Cash Acme** has changed their capital investment figure from **\$11,200,000** to **\$5,375,000**.

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

new project or **XX** 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):

- X** all state and local noneducational ad valorem taxes,
- X** all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- X** 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 **\$5,375,000**; 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 **13th** day of **September, 2010**.

/s/ Garlan E. Gudger, Jr.
President

ATTEST:

/s/ Ruth W. Rose
City Clerk

Approved by the Mayor this the 13th day of September 2010.

/s/ Max A. Townson
Mayor

Council Member Folsom seconded the motion. President Gudger said this new distribution center will save the current 75 jobs and possibly create another 36 new jobs. This resolution was adopted by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to adopt the following resolution awarding a tree service bid:

RESOLUTION NO. 2010-105
Tree Services on 1101 Fourth Avenue NE
First Street West between Morgan Avenue SW and Denson
Bid Award

WHEREAS, bids were opened on September 9, 2010 at 2:00 pm for Tree Services located on 1101 Fourth Avenue NE and First Street West between Morgan Avenue SW and Denson Avenue SW for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from three vendors:

Clemmon's Tree Service	Cullman	850.00
Discount Tree Service	Crane Hill	1,000.00
Reeves and Son, LLC	Vinemont	725.00

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

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of September, 2010.

/s/ Max A. Townson
Mayor

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

Council Member Folsom made a motion to adopt the following resolution to award a bid:

RESOLUTION NO. 2010-106

AWARDING OF BID FOR SANITATION DEPARTMENT CONTAINERS

WHEREAS, bids were opened on Thursday, September 9th, 2009 for (7) 40 Cubic Yard Heavy Duty Front Loader Waste Containers for the Sanitation Department, and

WHEREAS, the following 4 vendors submitted their bids :

Lewis Steel Works, Inc.	\$30,065.00
Holt Specialty Equipment	31,430.00
Bakers Waste Equipment	33,152.00
Rudco South	30,982.00

WHEREAS, the recommendation from the Sanitation Department Supervisor, Larry Jones, is to award the bid to the lowest bidder, **Lewis Steel Works, Inc.**

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to **Lewis Steel Works, Inc** of Wren, GA at this time.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of Sept. 2009.

/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 adopt the following resolution to award a bid:

RESOLUTION NO. 2010-107

AWARDING OF BID FOR SANITATION DEPARTMENT CONTAINERS

WHEREAS, bids were opened on Thursday, September 9th, 2009 for (10) 8 Yard, (10) 6 Yard, (20) 4 Yard and (10) 2 Yard Containers for the Sanitation Department, and

WHEREAS, the following 3 vendors submitted their bids :

<u>Vendor</u>	<u>8 Yard</u>	<u>6 Yard</u>	<u>4 Yard</u>	<u>2 Yard</u>
Bakers Waste Equipment	11,820.00	9,940.00	14,280.00	5,970.00
Holt Specialty Equipment	9,550.00	8,450.00	12,200.00	4,890.00
Rudco South	7,550.00	6,650.00	10,000.00	4,650.00

WHEREAS, the recommendation from the Sanitation Department Supervisor, Larry Jones, is to award the bid to the lowest bidder, **Rudco South**.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to **Rudco South** of Easley, SC at this time.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of Sept. 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.

President Gudger asked Attorney Roy Williams to explain the details of the next resolution which authorizes the Mayor to sign an agreement to purchase property which is adjacent to the Cullman Wellness and Aquatic Center. Mr. James E. Howlett has 15 acres for sale and the City of Cullman is interested in purchasing the property. Mr. John E. Hunt said the Park and Recreation Board have expressed an interest in this property.

Council Member Cook made a motion to adopt the following resolution authorizing the purchase of property adjacent to the Cullman Wellness and Aquatic Center:

**RESOLUTION 2010-108
RESOLUTION AUTHORIZING MAYOR
TO ENTER INTO REAL ESTATE SALES CONTRACT
FOR THE PURCHASE OF PROPERTY**

WHEREAS, the City Council of the City of Cullman has determined that there is lack of adequate properties available for the future expansion of the City; and

WHEREAS, the City has located a parcel of property owned by James E. Howlett that appears to meet the requirements of the City of Cullman; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to purchase said property at a reasonable price which appears to be the fair market value;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Max A. Townson is hereby authorized to enter into and execute the Real Estate Sales Contract with James E. Howlett, a copy of which is attached hereto as Exhibit "A", along with any and all other documents necessary to purchase said property at the stated acceptable price upon the terms and conditions that the Mayor deems acceptable, and to do all other things necessary as he deems just in purchasing said property.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of September 2010.

/s/ Max A. Townson
Mayor

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

President Gudger stated for the record that the following tax abatement for Hollingsworth Investments II is not related or associated with Council Member Clint Hollingsworth.

Council Member Cook made a motion to adopt the following resolution for a tax abatement for Hollingsworth Investments II:

RESOLUTION 2010-109

This Resolution is made this 13th day of September , 2010 (the Effective Date)

by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement
for **Hollingsworth Investments II** (the Company).

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

XX 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):

X all state and local noneducational ad valorem taxes,

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

X 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 **\$7,825,000** ; 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):

X all state and local noneducational ad valorem taxes,

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

X 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 **13th** day of **September, 2010** .

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this the 13th day of September 2010.

Max A. Townson, Mayor

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

President Gudger announced the first reading of the following annexation ordinance:

ORDINANCE NO. 2010 -15
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

Wade L. and June W. Bentley
1512 Cumberland Ridge Road NW

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:

Parcel #1 Legal Description as Parcel #17-03-08-0-001-005.010
Cullman County Probate Judge's Office

Beginning at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 10 South, Range 3 West, thence North 0 Degrees 46 Minutes 10 Seconds East 57.34 feet to an existing iron, thence North 1 degree 17 Minutes 00 Seconds East 371.78 feet to an iron ½ inch capped rebar set, thence North 57 Degrees 31 Minutes 06 Seconds West 180.07 feet to an existing capped iron on the South R.O.W. of Cumberland Ridge Road, thence along a curve to the right with a delta angle of 71 Degrees 20 Minutes 49 Seconds having a radius of 50.00 feet and an arc length of 62.26 feet, with a chord bearing and distance of South 83 Degrees 21 Minutes 34 Seconds West 58.32 feet, to an Iron ½ inch capped rebar set on said R.O.W. thence South 6 Degrees 22 Minutes 24 Seconds East 509.14 feet to an iron ½ inch capped rebar set, thence South 84 Degrees 51 Minutes 17 Seconds East 144.79 feet to an existing axle, back to the point of beginning, containing 1.93 acres more or less. Said land lying in the NE 1/4 of the NW 1/4 of Section 8, T-10-S, R-3W, Cullman County, Alabama

Parcel #2 Description Lot No. 4 of the Cumberland Ridge Subdivision as recorded in Plat Number B-260-A in the Office of the Judge of Probate of Cullman County, Alabama.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed into the corporate limits of the City of Cullman. The map is on file in the office of the City Clerk along with an acknowledgment by the property owner that he wants it to be annexed even through the County provides potable water to the premises and the lines available are not sufficient to supply fire protection through the City's equipment. Therefore fire protection shall be limited to the property to the extent water is available now and in the future.

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 subject to the limitations set forth in Section 4 below with the consent of the property owner, to-wit:

Parcel #1 Legal Description as Parcel #17-03-08-0-001-005.010
Cullman County Probate Judge's Office

Beginning at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 10 South, Range 3 West, thence North 0 Degrees 46 Minutes 10 Seconds East 57.34 feet to an existing iron, thence North 1 degree 17 Minutes 00 Seconds East 371.78 feet to an iron ½ inch capped rebar set, thence North 57 Degrees 31 Minutes 06 Seconds West 180.07 feet to an existing capped iron on the South R.O.W. of Cumberland Ridge Road, thence along a curve to the right with a delta angle of 71

Degrees 20 Minutes 49 Seconds having a radius of 50.00 feet and an arc length of 62.26 feet, with a chord bearing and distance of South 83 Degrees 21 Minutes 34 Seconds West 58.32 feet, to an Iron ½ inch capped rebar set on said R.O.W. thence South 6 Degrees 22 Minutes 24 Seconds East 509.14 feet to an iron ½ inch capped rebar set, thence South 84 Degrees 51 Minutes 17 Seconds East 144.79 feet to an existing axle, back to the point of beginning, containing 1.93 acres more or less. Said land lying in the NE 1/4 of the NW 1/4 of Section 8, T-10-S, R-3W, Cullman County, Alabama

Parcel #2 Description Lot No. 4 of the Cumberland Ridge Subdivision as recorded in Plat Number B-260-A in the Office of the Judge of Probate of Cullman County, Alabama.

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 27th day of September, 2010.

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

ATTEST:

Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 27th day of September, 2010.

Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of September, 2010.

Max A. Townson
Mayor

No action will be taken tonight on the annexation ordinance request. It will be addressed at the next council meeting on September 27, 2010.

President Gudger announced the term of Mr. Michael Sullins on the CCTV Board has expired. Council Member Folsom made a motion to reappoint Mr. Sullins to the board for another term. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to adopt the following resolution for Goodwyn, Mills and Cawood to apply for an EPA Cleanup grant for the Grief Property:

RESOLUTION NO. 2010-110

RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES WITH GOODWYN, MILLS & CAWOOD, INC. FOR BROWNSFIELD CLEANUP EPA GRANT ON GREIF PROPERTY

WHEREAS, **Goodwyn, Mills & Cawood, Inc.** has presented a proposal to provide professional services related to environmental cleanup at Greif Brothers Property hereafter referred to as the "Project"

WHEREAS, the City has considered the scope of work included in the proposal, and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with the work set out in the proposal which should not exceed \$4,000 in fees.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with **Goodwyn, Mills & Cawood, Inc.** for and on behalf of the City of Cullman to perform the services related to the Project as set out in the proposed agreement for services.

ADOPTED this the 13th day of September, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 13th day of September, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 13th day of September, 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 Folsom made a motion to approve the request by Mr. Michael Sullins for "Rocktoberfest" to be held in Depot Park on October 9, 2010. The event will feature 3 bands - Exit 310, After the Rain and Braver by the 2nd. Council Member Hollingsworth seconded the motion. Chief Culpepper gave approval for the event. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger thanked everyone for attending tonight. Being no further business to come before the Mayor and Council a motion to adjourn was made by Council Member Cook. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:50 pm by a voice vote. Ayes: All. Nays: None.

