

**CULLMAN CITY COUNCIL  
REGULAR MEETING  
July 27<sup>th</sup>, 2011**

President Gudger called the Cullman City Council Meeting to order at 5:45 p.m. on Wednesday, July 27<sup>th</sup>, 2011. Police Chief Kenny Culpepper, presented the invocation.

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

President Gudger asked the Council to consider the minutes from July 8<sup>th</sup>, 2011. Council Member Cook made a motion to suspend the rules. Council Member Folsom seconded the motion and the motion was approved by a voice vote. City Clerk/Treasurer Ruth W. Rose polled the Council Members: President Gudger: Aye. Council Member Cook: Aye. Council Member Page: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Cook made a motion to approve the minutes of July 8<sup>th</sup>, 2011 as written. Council Member Folsom seconded the motion and the motion to approve the minutes as written. The motion to approve was done by a voice vote. Ayes: All. Nays: None.

**ADDITIONS/DELETIONS TO AGENDA**

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 - She gave a brief financial report for the third quarter of 2011. She stated that the revenues in the general fund were up 1.5% due to alcohol sales. She mentioned that expenses in the general fund were also up 15.7% due to the storms. She also said that the general fund currently has a deficit of over \$500,000 due to the storms not including the charges from the U.S. Army Corps of Engineers. She said that hopefully FEMA would reimburse the City for most of the costs incurred during the storms.

## **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**

Council Member Folsom made a motion to approve the request from Harco Inc., d/b/a/ Rite Aid #7006 located at 715 Cullman Shopping Center NW to sell beer and wine for off premise consumption which also had a favorable recommendation for the Alcohol Review Committee. Council Member Page seconded the motion. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from the Police Department to purchase 21 ballistic vests on state bid at the amount of \$10,918. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from the Sanitation Department to go to bid on the installation of a metal roof at the Public Works Annex Mall. Superintendent Larry Jones mentioned that the lowest quote that he has received is \$6,500. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Community Development to hire Goodwyn, Mills & Cawood Inc to complete a boundary survey at 2<sup>nd</sup> Avenue and 8<sup>th</sup> Street in the amount of \$1,800. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from Sue Turner of Life Chain Cullman for a permit to hold the 8<sup>th</sup> annual Life Chain on Highway 278 & 31 on Saturday, October 29<sup>th</sup> from 12:00 noon to 3:00 pm. Police Chief Culpepper and Fire Chief both approves of this event. Mayor Townson also approved of this event. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from the Maintenance Department to go to bid for repairs on the Cullman County Animal Shelter. Mr. Wesley Moore stated that the repairs will be reimbursed by FEMA funds. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from the Maintenance Department to approve the lowest quote in the amount of \$4,205 from Walker Brothers LTD to repair the

Richter's Chapel. Mr. Wesley Moore stated that the repairs will be reimbursed by FEMA funds. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

**RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

Council Member Cook stated that the Mayor could negotiate, since there was only one bidder, and made a motion to adopt the following resolution:

**RESOLUTION NO. 2011-123  
Traffic Signal Pole and Mast Arm  
Bid Award**

WHEREAS, bids were opened on July 12<sup>th</sup>, 2011 at 2:00 pm for a traffic signal pole and mast arm installation at Arnold Street and 2<sup>nd</sup> Avenue NE,

WHEREAS, the following bids were opened:

Stone & Son	Jacksonville, AL \$ 34,890.00
Shoals Electric	Birmingham, AL No Bid
Stone Electric	Birmingham, AL No Bid
Temple Electric	Birmingham, AL No Bid

WHEREAS, the recommendation from Jeff Adams, Superintendent for the City of Cullman Traffic Department, is to award the bid to Stone & Son, the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman that the bid for a traffic signal pole and mast arm installation at Arnold Street and 2<sup>nd</sup> Avenue NE be awarded to Stone & Son at this time.

ADOPTED this the 27<sup>th</sup> day of July, 2011.

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

Attest:

/s/ Ruth W. Rose  
City Clerk

APPROVED this 27<sup>th</sup> day of July 2011.

/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 adopt the following resolution:

**RESOLUTION 2011-124**

**RESOLUTION DECLARING PROPERTY SURPLUS  
OR NOT NEEDED BY THE CITY OF CULLMAN, ALABAMA**

BE IT RESOLVED, by the City Council of the City of Cullman as follows:

1. The City Council of the City of Cullman hereby finds and determines that the City is owner of the filing cabinets described in Paragraph 2 hereof.
2. The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes, said property being described as follows:

A.	File Cabinet (1)	ID#4262
B.	File Cabinet (2)	ID#4259
3. The City Council finds and determines that the interests of the City can be best served by sale or disposal of said property.
4. The City Council hereby authorizes the sell or dispose of the above described property for its fair market value.
5. This resolution shall be effective upon its passage as required by law.

ADOPTED this the 27<sup>th</sup> day of July, 2011.

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

Attest:

/s/ Ruth W. Rose  
City Clerk

APPROVED this 27<sup>th</sup> day of July 2011.

/s/ Max A. Townson  
Mayor

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

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

**RESOLUTION 2011-125**

**RESOLUTION INCREASING THE THRESHOLD FOR CAPITAL ASSETS**

WHEREAS, the City Council finds and determines that increasing the threshold for capital assets is needed to increase efficiency and effectiveness in the accounting procedures of the City of Cullman.

WHEREAS, the City Council finds and determines that the interests of the City can be best served by increasing the capital asset threshold from \$2,500 to \$5,000.

BE IT RESOLVED, by the City Council of the City of Cullman hereby increases the capital asset threshold from \$2,500 to \$5,000.

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

Council Member Folsom made a motion to table the following resolution:

**RESOLUTION 2011-126**

**RESOLUTION ESTABLISHING A POLICY TO WRITE OFF BAD DEBTS**

WHEREAS, the City Council finds and determines that establishing a policy to write off bad debts is needed to increase efficiency and effectiveness in the accounting procedures of the City of Cullman.

WHEREAS, the City Council finds and determines that the interests of the City can be best served by writing off bad debts with no activity for one hundred and twenty (120) days from the due date.

BE IT RESOLVED, by the City Council of the City of Cullman hereby establishes an accounting policy to write off bad debts with no activity for one hundred and twenty (120) days from the due date.

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

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

**RESOLUTION NO. 2011-127**  
**Ten 30-yard Containers for the Sanitation Department**  
**Bid Award**

WHEREAS, bids were opened on July 25<sup>th</sup>, 2011 at 2:00 pm for ten 30-yard containers for the City of Cullman Sanitation Department,

WHEREAS, the following bids were opened:

Lewis Steel Works Inc	Wrens, GA \$ 39,450.00
Wastequip	Statesville, NC \$ 41,370.00
Bakers Waste Equipment	Valdese, NC \$ 44,690.00
Dragon Containers LLC	Austell, GA No Bid
Pac Mac Equipment Sales	Bay Springs, MS No Bid
Marathom Equipment Company	Vernon, AL No Bid
RDK Truck Sales	Gaylesville, AL No Bid
Rudco South	Easley, SC No Bid

WHEREAS, the recommendation from Larry Jones, Superintendent for the City of Cullman Sanitation Department, is to award the bid to Lewis Steel Works Inc, the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman that the bid for ten 30-yard containers be awarded to Lewis Steel Works Inc at this time.

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 adopt the following resolution:

**RESOLUTION NO. 2011-128**

**RESOLUTION AUTHORIZING MAYOR TO ENTER INTO  
CONTRACT WITH F & O ARCHITECTS**

WHEREAS, the City Council of the City of Cullman has determined that it would be in it's best interest to enter into a contract with F & O Architects LLC to provide design and planning services at designated locations in the city limits at a total cost not to exceed \$26,000.00; and

WHEREAS, the scope of work will include but not be limited to design and planning services serves as spelled out in the Professional Services Agreement, Exhibit "A" under Scope of Work, attached hereto; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to enter into the Professional Services Agreement with F & O Architects LLC under the terms as approved by the Mayor;

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 a Professional Services Agreement for design and planning services and such other necessary documents necessary at a price upon the terms and conditions as set out in the Professional Services Agreement, and to do all other things necessary as he deems just as to said Agreement.

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 NO.: 2011-129**

**RESOLUTION AUTHORIZING MAYOR TO TERMINATE THE  
CLEAN SWEEP PROGRAM, THE RIGHT-OF-WAY CLEANUP AND  
THE CONTRACT WITH U.S. ARMY CORPS OF ENGINEERS**

WHEREAS, the City Council of the City of Cullman has determined that it would be in it's best interest to terminated the Clean Sweep Program, the Right-of-Way Cleanup, and the contract with U.S. Army Corps of Engineers; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to terminate the Clean Sweep Program, the Right-of-Way Cleanup, and the contract with the U.S. Army Corps of Engineers under the terms as approved by the Mayor;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Max A. Townson on the 10<sup>th</sup> day of August, 2011 is hereby authorized to terminate the Clean Sweep Program, the Right-of-Way Cleanup, and the contract with the U.S. Army Corps of Engineers.

Mayor Townson stated that the deadline to push debris to the right-of-way is July 29<sup>th</sup>, 2011 and that the City would no longer need the services of FEMA or the U.S. Army Corps of Engineers after August 10<sup>th</sup>, 2011. Council Member Hollingsworth seconded the motion and the resolution was approved by a voice vote. Ayes: All. Nays: None.

Council President Gudger stated that tonight is the first reading of the Ordinance 2011-21 which is to amend the Zoning Ordinance 2002-22 of the City of Cullman to allow business and residential mixed occupancies within the City. President Gudger set the public hearing on Ordinance 2011-21 for Monday, August 22<sup>nd</sup> at 7:00 pm.

Council Member Page made a motion to appoint Chris Freeman as the new Water & Sewer Superintendent. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger stated that on Saturday, August 6<sup>th</sup>, 2011 there will be a retirement party for Water & Sewer Superintendent Junior Heaton at the Festhalle Market Platz from 4:30 p.m.

Council President Gudger stated that the last item of business was a presentation from Riley B. "Benny" Harris who is an Senior Planner from Alabama's Emergency Management Agency. Mr. Harris urged the City to participate in the Long Term Community Recovery Program which will help Cullman plan for the future. Mr. Harris said that many other cities have decided to participate in this program. Mr. Harris also mentioned that there is no cost for the City of Cullman to participate in this program and that the City would only have to pass a resolution to participate in the Long Term Community Recovery Program. President Gudger stated that the program sounded very interesting and that the Council would review the information and possibly consider the resolution at the next Council meeting.

Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 6:25 p.m. by a voice vote. Ayes: All. Nays: None.