

**CULLMAN CITY COUNCIL  
REGULAR MEETING  
February 22<sup>nd</sup>, 2010**

Council President Gudger, Council Member Page, Council Member Cook and Council Member Folsom met in the Council Chambers at 6:30 pm to discuss the upcoming bond rating review with Standard and Poors. The review is scheduled for Friday, February 26<sup>th</sup>, 2010 at 9:30 a.m. The meeting will be held in the conference room of Economic Development on a conference call.

Attorney Roy Williams received the Attorney General's Opinion regarding the liability insurance requirement to purchase a contractor's business license. This will be reviewed and discussed when Mayor Townson and Council Member Hollingsworth return. No action will be taken tonight.

Several Board Appointments are expired. The Council will table all except the Municipal Judge's appointment. Wes Moore, Accountant and Attorney Roy Williams were present to answer any questions. Trent Moore, Cullman Times Reporter and Delton Blalock, Cullman Tribune Reporter, were also present.

The Cullman City Council met in regular session on February 22<sup>nd</sup>, 2009 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Mac Buttram, a candidate for State Representative Place #12, presented the invocation.

A roll call by the City Clerk reflected the following. Present - President Garlan E. Gudger, Jr, Council Member Andy Page, Council Member Johnny Cook and Council Member Jenny Folsom. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose. Absent - Mayor Max A. Townson and Council Member Clint Hollingsworth.

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on February 8<sup>th</sup>, 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. Nays: None.

Council Member Folsom then moved to approve the minutes as written and Council Member Cook 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 - 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 - (Absent)

Council Member Jenny Folsom - Finance Committee - No Report

### **REPORTS OF OFFICERS**

Mayor Max A. Townson - Absent due to attending a Utilities Board meeting in Washington D.C.

### **COMMENTS FROM ANYONE NOT ON THE AGENDA**

None

### **PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS**

Council Member Folsom made a motion to approve the repairs to the elevator at the Chamber of Commerce to Otis Elevator Company in the amount of \$2,368.00. Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve a due diligence study to be done on the administration building in front of the police department. Mr. Tim Coker, President of CPM - Construction Program Management gave an estimate of \$5,566 to do the study. Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

A request from Fire Chief Reinhardt to take bids on a first defender handheld Raman for unknown chemical identification for the Fire Department was approved by a motion made by Council Member Page. Council Member Cook seconded the motion. A grant for \$33,355 will be used with a local match of \$1,755. The motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Junior Heaton, Water and Sewer Superintendent made a request to take bids for water department materials to replenish stock. Council Member Cook made a motion to approve the request and Council Member Folsom seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

A written request for \$3000 from Mr. Raymond Williams, Member of the Festhalle Market Committee, was tabled.

Council Member Folsom made a motion to refer a request from Mr. Dale Bright on behalf of Clint Frey for 7.88 acres of property to be annexed into the City of Cullman to the Planning Commission. Attorney Roy Williams explained the procedures for taking annexing and zoning requests. Council Member Cook seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Billy Atchison, Sunbelt Fire Territory Manager, made a request to close a portion of 5<sup>th</sup> Street S.W. near the McGukin Civic Center on Saturday, March 6<sup>th</sup>, 2010 from 2:00 p.m. until 5:30 p.m. A customer Appreciation and Field Day will be hosted for all of North Alabama. 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.

Mr. Perry Shields, Center Director for ATN-Cullman/Hanceville, made a request to close a portion of the lower parking deck near the Commerce Center. The Alabama Technology Network will host a hazardous Materials Training Class on March 22 thru March 26, 2010. Police Chief Culpepper and Fire Chief Reinhardt explained the training is helping industries with proper training and smoke will be generated by using dry ice and water. No chemicals or dangerous materials will be used. Council Member Cook made a motion to approve the request and Council Member Folsom seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

### **RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

Council Member Folsom made a motion to approve the following resolution which supports public education at Wallace State Community College and expansion of jobs:

**RESOLUTION 2010-35  
A RESOLUTION OF THE CULLMAN CITY COUNCIL  
CONCERNING PUBLIC IMPROVEMENTS FOR PUBLIC EDUCATION  
AND EXPANSION OF JOBS AND INDUSTRIAL GROWTH AND TRAINING**

WHEREAS, Wallace State Community College is one of the largest employers in Cullman County and is a vital and necessary part of the continued growth and education of not only the City of Hanceville but for all of Cullman County including the City of Cullman; and

WHEREAS, Wallace State Community College is vital and necessary for the recruitment of industry and provides jobs and training for the citizens of North Alabama; and

WHEREAS, Wallace State Community College and the City of Hanceville that provides the sewer service currently have a severe problem pertaining to the sewer system as to the sewer's current condition and availability for expansion and growth; and

WHEREAS, the problem with the sewer system is so bad that it threatens the health and welfare of the citizens of Hanceville, Wallace State Community College's students and faculty, and the future growth of Cullman County and North Alabama which the college serves; and

WHEREAS, Wallace State Community College and the City of Hanceville have inadequate funds to correct and mitigate the present and potentially future problems pertaining to the lack of the sewer system's capacity for the rehabbing of the sewer system and sewer lines. Further, said condition will not effect only the college and community but the growth of North Alabama;

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

The City Council of the City of Cullman hereby request that the Governor of the State of Alabama and the Legislature provide funds to the City of Hanceville and to Wallace State Community College in a sum of not less than \$5.85 million for the purpose of rehabbing and expanding the City of Hanceville's sewer system and Wallace State Community College's sewer lines and improvements and to insure the sewer service to Wallace State Community College now and in the future.

FURTHER, BE IT RESOLVED that this Resolution be delivered to the Governor, Lieutenant Governor, Speaker of the House and the Cullman County Delegations.

ADOPTED this the 22<sup>nd</sup> day of February , 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Max A. Townson  
Mayor

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

Council Member Cook made a motion to adopt the following resolution which is a tax abatement for Cash Acme's \$11.2 million dollar expansion:

**Resolution 2010-36  
Tax Abatement for Cash Acme Expansion**

This Resolution is made this 22<sup>nd</sup> day of February, 2010 by the **City of Cullman**, Alabama, to grant a tax abatement for **Cash Acme**.

WHEREAS, **Cash Acme** has announced plans for purchasing new equipment that is a major addition, approximately **11.2 million** dollars, to their existing facility and is located within the jurisdiction of the City of Cullman; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), **Cash Acme** 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, **Cash Acme** 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 **Cash Acme** and the completed application (copy attached) filed with the City of Cullman by **Cash Acme**, in connection with its request; and

WHEREAS, the City of Cullman has found the information contained in the **Cash Acme** 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 of approximately **15 jobs**; and

WHEREAS, the construction of the project will involve capital investment of **\$11.2 Million** for the expansion; and

WHEREAS, **Cash Acme** 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 **Cash Acme** 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 **Cash Acme** 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 **Cash Acme** 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 **Cash Acme** 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 22<sup>nd</sup> day of February, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this 26<sup>th</sup> day of February, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this 26<sup>th</sup> day of February, 2010.

SEAL

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

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

The following resolution was reviewed by the Council and City Attorney Roy Williams. Fire Chief Reinhardt requested to increase the minimum staffing to a total of 9 - 4 located at Fire Station #2 and 5 at Fire Station #1. This will help with the ISO Rating. Council Member Page made a motion to adopt the following resolution:

**RESOLUTION NO.2010-37**  
**RESOLUTION INCREASING THE MINIMUM STAFFING REQUIREMENTS**  
**AT FIRE STATION ONE AND FIRE STATION TWO**

WHEREAS, the Fire Chief of the City of Cullman has recommended that there is a need for a new minimum staffing policy for Fire Station One and Fire Station Two; and

WHEREAS, it has been previously proven that under-staffing at fire scenes can become potentially hazardous and fatal; and

WHEREAS, Fire Station One and Fire Station Two are operating under minimum staffing;

NOW THEREFORE, BE IT RESOLVED

That the City Council of the City of Cullman recommends that the staffing at Fire Station One be increased to a five member minimum station and that Fire Station Two be increased to a four member minimum station.

The increased minimum staffing will provide an aerial unit to all structure fires and responding a hazardous materials unit to hazardous incidents which will improve the ISO points.

FURTHER, the Fire Chief is to formulate a new staffing policy reflecting the minimum staffing requirements to be effective as of March 1, 2010.

ADOPTED this 22<sup>nd</sup> day of February, 2010.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Max A. Townson, Mayor

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

Fire Chief Reinhardt made a request to increase the minimum staffing during extreme weather conditions. Council Member Folsom made a motion to adopt the following resolution:

**RESOLUTION NO. 2010-38**  
**RESOLUTION INCREASING THE MINIMUM STAFFING**  
**REQUIREMENTS DURING EXTREME WEATHER EVENTS**

WHEREAS, the Fire Chief of the City of Cullman has recommended that there is a need for a new minimum staffing policy for Fire Station One and Fire Station Two during periods of extreme weather; and

WHEREAS, excessive heat or cold causes the physical stress on a firefighter to be intensified which can lead to life threatening conditions; and

WHEREAS, Fire Station One and Fire Station Two are operating under minimum staffing and believes that the recommendation of the Fire Chief is reasonable and necessary not only for the health and safety of the firefighters but for the citizens whom they assist;

WHEREAS, whenever the EMA or another reputable source has issued a credible warning for damaging weather conditions, including but not limited to, tornados, hurricanes, icing, etc. for the City of Cullman which could alter or delay the response of emergency equipment and/or personnel, then the recommendation of the Fire Chief to be able to call in extra personnel is reasonable and necessary.

NOW THEREFORE, BE IT RESOLVED

That the City Council of the City of Cullman recommends that the staffing at Fire Station One and Fire Station Two be increased up to six member minimum stations staffs when temperatures or the heat index reaches 96<sup>o</sup> or above or when they fall to 32<sup>o</sup> or below.

That the City Council of the City of Cullman recommends that the Fire Chief may call in extra personnel as he feels reasonable and necessary whenever the EMA or another reputable source has issued a credible warning for damaging weather conditions, including but not limited to, tornados, hurricanes, icing, etc. for the City of Cullman when such weather could alter or delay the response of emergency equipment and/or personnel.

FURTHER, the Fire Chief is to formulate a new staffing policy reflecting the minimum staffing requirements to be effective as of March 1, 2010.

ADOPTED, this the 22<sup>nd</sup> day of February, 2010.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Max A. Townson  
Mayor

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

Council Member Cook made a motion to declare surplus property for the Fire Department in the following resolution:

**RESOLUTION 2010-39**  
**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 property 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:

1. Engine #510 - 1988 Peirce Pumper-purchased in November 1987 - Pump must be replaced at an estimated cost of \$60,000.

2. Air Vac System located at old Fire Station #2

3. The City Council finds and determines that the interests of the City can be best served by sale of said property.

4. The City Council hereby authorizes the sell 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 22<sup>nd</sup> day of February, 2010

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

TRANSMITTED to the Mayor this the 26<sup>th</sup> day of February, 2010

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

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

Council Member Page seconded the motion. Chief Reinhardt explained the Fire Truck will be available for emergency situations. The open cab truck will be maintained by the Cullman County Volunteer Firefighter Association. The Resolution was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to adopt the following resolution to provide tree services:

**RESOLUTION NO. 2010-40**  
**Tree Services on Corner of 2<sup>nd</sup> Avenue NE & 8<sup>th</sup> Street**  
**Bid Award For 2 Trees**

WHEREAS, bids were opened on February 18<sup>th</sup>, 2010 at 2:00 pm for Tree Services located on the corner of 2<sup>nd</sup> Avenue NE and 8<sup>th</sup> Street for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 10 vendors:

B&H Tree Service	Bremen	\$3,300.00
Burk's Tree Service	Hanceville	3,200.00
Colburn's Tree Service	Cullman	3,450.00
Michael's Tree Service	Addison	3,375.00
Newman's Tree Service	Cullman	3,100.00
Marshall's Tree Service	Hanceville	3,200.00
Discount Tree Ser.	Crane Hill	5,500.00
Reeves and Son, LLC	Vinemont	2,475.00
A-1 Tree Service	Cullman	2,900.00
Clemmons Tree Service	Cullman	1,899.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Clemmon'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 Clemmon's Tree Service of Cullman, AL at this time.

ADOPTED this the 22<sup>nd</sup> day of February, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Max A. Townson  
Mayor

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

Council Member Folsom made a motion to adopt the following resolution awarding a bid for UV lights for the Waste Water Treatment Plant:

**RESOLUTION NO. 2010-41**  
**Trojan Ultra Violet 4000 Unit Bulbs and Parts Bid Award**

WHEREAS, bids were opened on February 18<sup>th</sup>, 2010 at 2:00 p.m. for Trojan Ultra Violet 4000 Unit Bulbs for the City of Cullman Waste Water Treatment Plant Department, and

WHEREAS, the following bids were opened from 2 vendors:

Jim House and Associates, Inc.	Birmingham	\$22,594.00
Johnson Mechanical, Inc.	Cullman	\$22,800.00

WHEREAS, the recommendation from Mr. Jeff Adams, Waste Water Treatment Plant Superintendent is to award the bid to Johnson Mechanical, Inc., the lowest bidder by being a local vendor who receives a 3% advantage over other bidders.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the bid for the bulbs be awarded to Johnson Mechanical Inc. at this time.

ADOPTED this the 22<sup>nd</sup> day of February, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 26<sup>th</sup> day of February, 2010.

/s/ Max A. Townson  
Mayor

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

President Gudger stated the only board appointment to be considered tonight is that for Judge. Council Member Page made a motion to reappoint Wells R. Turner, III as the Municipal Judge for a two year term. The following resolution was read:

**RESOLUTION 2010-42**

**RESOLUTION PROVIDING THE MUNICIPAL JUDGE'S SERVICES  
FOR THE CITY OF CULLMAN, ALABAMA**

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

SECTION 1. The City Council for the City of Cullman hereby appoints Wells R. Turner, III as the City of Cullman Municipal Judge as required by Section 12-14-30 of the Code of Alabama.

SECTION 2. All Ordinances, resolutions, rules, regulations, forms, policies or practices thereof which are in conflict with this resolution are hereby expressly repealed.

SECTION 3. This resolution shall become effective immediately upon passage as provided by law and be effective for a 2 year period.

ADOPTED this the 22<sup>nd</sup> day of February, 2010.

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

Attest:

Ruth W. Rose  
City Clerk

APPROVED this 26<sup>th</sup> day of February, 2010

Max A. Townson  
Mayor, City of Cullman

Council Member Folsom seconded the motion to adopt the above resolution. The motion was approved by a voice vote. Ayes: All. Nays: none.

President Gudger informed the audience a response from the Attorney General was received today regarding the request to verify the requirement for contractors to have liability insurance. The Mayor is out of town and all Council Members are not present to review the document. It will be addressed at the next council meeting which is scheduled for March 8<sup>th</sup>, 2010.

Council Member Cook made a motion to adjourn at 7:19 p.m. and Council Member Page seconded the motion. The meeting was adjourned by a voice vote. Ayes: All. Nays: None.