

**CULLMAN CITY COUNCIL
REGULAR MEETING
April 26th, 2010**

Mayor Townson, Council President Gudger, Council Member Page, Council Member Cook, Council Member Hollingsworth and Council Member Folsom met in the Council Chamber at 6:00 p.m. Mrs. Peggy Smith and Mr. Dale Greer were delayed in traffic on the interstate and the Economic Development Board meeting was delayed for 20 minutes. The meeting was moved to the auditorium at 6:20 p.m.

Mr. Delton Blalock from the Cullman Tribune and Mr. Roy Williams, City Attorney were also present for the pre-council meeting. The West Main paving project contracted by Wiregrass (formerly Shelby Contractors) was discussed and pictures were reviewed. A bad area where the base was not adequate created a patching problem. This will add around \$15,000 to the base bid of \$834,000. Mayor Townson discussed this today with Dale Bright and Bill St. John. Roy Williams said the project was bid on a per unit price and the extra materials will be billed to the city. Mayor Townson wanted the public to know this was not the City of Cullman Street Department's work and the contractor was responsible for the work being done.

The feasibility study prepared by Construction Program Management (CPM) was reviewed. Mayor Townson asked the council members if they were aware that Mr. Coker used materials and pictures in his study that were prepared by the city staff. President Gudger said he gave the pictures to Mr. Coker and gave him permission to use in the presentation. Mayor Townson felt the cost of the study should be adjusted to compensate for the materials used that the city staff prepared. The council members decided to pay this invoice in full.

The Cullman City Council met in regular session on April 26th, 2009 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Mr. Delton Blalock 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 April 12th, 2010. Council Member Folsom seconded the motion and motion carried on roll call vote. Council Member Page: Aye, Council Member Cook: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays:None.

Council Member Cook then moved to approve the minutes as written for April 12th, 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 - Chief Culpepper reported on the recent storm damage in Albertville, AL. He sent four of his officers to work 12 hour shifts to help restore order and provide mutual aid.

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. A Finance Committee is scheduled for next week. A report will be made after the meeting being held on May 6th, 2010 at 11:30 a.m. This will complete six months of the fiscal year. A report will be made at the May 10th, 2010 council meeting.

REPORTS OF OFFICERS

Mayor Max A. Townson - He informed everyone of the extention given by PALS for the clean up has been extended due to the weather conditions on Saturday. The dumpsters at the schools will be left there to collect any household items except paint, tires and construction materials. Mayor Townson commended all emergency staff for responding to the needs on Friday and Saturday during the storms. Mayor Townson asked Carolyn Peinhardt Johnson to come to the podium. The Peinhardt Farm has been added to the Historical Register of Alabama. The following certificate of recognition was read:

Office of the Mayor
City of Cullman, Alabama, USA

Certificate of Recognition

In honor of Peinhardt Farm's listing on the Alabama Register of Landmarks and Heritage.

Whereas, the Peinhardt Living History Farm is a wonderful example of an early 20th century farm, having been passed down, preserved, and maintained by members of the Peinhardt family for many years; and,

Whereas, many people – children and adults - have visited the farm to learn about early 20th century farm life, animals, and equipment because the Peinhardt family and others who volunteer at the farm take the time to share the farm and its history with visitors; and,

Whereas, the Peinhardt Farm has recently been listed on the Alabama Register of Landmarks and Heritage, a prestigious listing of historic, architectural, and archaeological landmarks worthy of both recognition and preservation; and,

Whereas, the City of Cullman is appreciative of the hard work and dedication of the Peinhardt family and others involved in preserving the Peinhardt Farm as a learning tool for past, current, and future generations and as a wonderful historical site for everyone to enjoy.

Now, therefore, I, Max A. Townson, Mayor of the City of Cullman, do hereby present this Certificate of Recognition and Appreciation to the Peinhardt Living History Farm for realizing the importance of preserving the farm and teaching our young people about the history of the farm and of our community.

Further, I hereby congratulate the Peinhardt Living History Farm for its listing on the Alabama Register of Landmarks and Heritage, a very great honor and a testament of the value and significance of the farm to our community, our state, and our nation.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Cullman to be affixed on this, the 26th day of April, 2010.

/s/ Max A. Townson, Mayor

Carolyn Peinhardt Johnson thanked everyone for this special recognition. She is very appreciative and happy to accept this award for her Family.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Ms. Mary Elizabeth Romine was present to make a request to close a section of First Avenue on Friday, June 25, 2010 from 4:00 p.m. until 9:00 p.m. for her wedding. Chief Culpepper commented this was done on other occasions and had no problem with the request. A motion was made by Council Member Folsom to approve the request and seconded by Council Member Cook. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger read a written request from Mr. Mike Mullaney, CHS Class of 1980, to close a portion of Clark Street on Saturday, July 24, 2010 from 6:00 p.m. until 12:00 a.m. for a class reunion. Chief Culpepper stated this would be acceptable with his department and Chief

Reinhardt did not see any problem with the request. A motion was made by Council Member Cook to approve the request and seconded by Council Member Page. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger read a written request from Linda Killingsworth to host a Poker Run on Saturday, June 5, 2010 from 8:00 a.m. until 8:00 p.m. to benefit Monica Cordes with medical bills. The event will be held at Toby's Cycles located at 313 Third Street, S.W. Chief Culpepper said his motorcycle officers could escort them in and out of town but traffic on U.S. Highway 278 could not be stopped. Fire Chief Reinhardt approved the request. Mayor Townson did not have a problem with the request. 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.

President Gudger stated Mr. Bob Young could not be here tonight and Council Member Cook made a motion to table the discussion on the new bond rating. Council Member Folsom seconded the motion and explained the changing of the City of Cullman's ratings with Standard and Poor went from a A+ to a AA- because of many positive findings such as the job market, good schools and stability in real estate transactions in the City of Cullman. The only city in Alabama with a higher rating is Huntsville. The Council approved tabling this item with a voice vote. Ayes: All. Nays: None.

President Gudger presented a request for a travel advance for the Traffic Department. Mr. Jeff Adams, Superintendent, made a request for Mr. David Kreps and Mr. Trey Powers to attend a conference in Dallas, Texas in June. The request from David Kreps is for \$346.30 and Trey Powers request for reimbursement is \$311.60. Mr. Roy Williams, City Attorney, said both request could be approved together. A motion was made by Council Member Folsom to approve the request and seconded by Council Member Page. The request was approved by a voice vote of the council. Ayes: All. Nays: None.

Council Member Page made a motion to approve the payment of the annual physical fitness incentive to the fire department employees. If all 33 fire fighters pass the exam a total of \$16,500 will be paid. Each Fire Fighter will receive \$500 when the test is successfully completed. Council Member Cook seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger read a request from Mr. Lavell Thrasher for support for the Cullman

Community Concert Association. Council Member Folsom made a motion to table this request until more information is available. Council Member Page seconded the motion and the request was tabled by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

A motion was made by Council Member Folsom to adopt the following Resolution:

**RESOLUTION NO. 2010-61
AWARDING OF BID FOR HERBICIDE SPRAYING**

WHEREAS, bids were opened on May 15, 2007 for herbicide spraying for the Public Works Department for a three year period (Bid No. R-01453); and

WHEREAS, the following 7 vendors were mailed specifications to submit their bids :

| | | |
|------------------------------------|----------------|-------------|
| 1. SprayMax, Inc. | Tuscaloosa, AL | \$20,116.99 |
| 2. Helena Chemical Co. | Sturgis, MS | No Bid |
| 3. NaturChem West, Inc. | Pelham, AL | No Response |
| 4. Vegetation Management | Cullman, AL | No Response |
| 5. Sweeping Corp of America | Nashville, TN | No Bid |
| 6. Drennen Forestry Services, Inc. | Cullman, AL | No Response |
| 7. Precision Spraying & Mowing | Sylvester, GA | No Response |

WHEREAS, the recommendation from Mr. Jerry Freeman, Administrative Assistant to the Mayor, is to renew this bid for the final year as quoted.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the contract be awarded to SprayMax, Inc. of Tuscaloosa, Alabama.

ADOPTED this the 26TH day of April , 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of April, 2010.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2010-62
Tree Services on Old Hanceville Highway and
King Edward Street Bid Award

WHEREAS, bids were opened on April 15, 2010 at 2:00 pm for Tree Services located on Old Hanceville Highway and King Edward Street for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 8 vendors:

| | | |
|-------------------------|------------|--------|
| Burk's Tree Service | Hanceville | 400.00 |
| Clemmon's Tree Service | Cullman | 899.00 |
| Discount Tree Service | Crane Hill | 700.00 |
| Keller's Tree Service | Cullman | 650.00 |
| Michael's Tree Service | Addison | 385.00 |
| Marshall's Tree Service | Hanceville | 547.00 |
| Reeves and Son, LLC | Vinemont | 545.00 |

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

ADOPTED this the 26th day of April, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of April, 2010.

/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 Folsom made a motion to adopt the following resolution:

RESOLUTION NO. 2010-63
Tree Services on Corner of 3rd Avenue and Arnold Street
Bid Award

WHEREAS, bids were opened on April 22nd, 2010 at 2:00 pm for Tree Services located on the corner of 3rd Avenue and Arnold Street for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 8 vendors:

| | | |
|------------------------|------------|----------|
| Burk's Tree Service | Hanceville | 850.00 |
| Clemmon's Tree Service | Cullman | 500.00 |
| Colburn's Tree Service | Cullman | 1,350.00 |
| Discount Tree Service | Crane Hill | 650.00 |

| | | |
|------------------------|----------|-------------------------|
| Keller's Tree Service | Cullman | 750.00 |
| Michael's Tree Service | Addison | Bid Invitation Returned |
| Newman's Tree Service | Cullman | 1,300.00 |
| Reeves and Son, LLC | Vinemont | 745.00 |

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 26th day of April, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of April, 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 NO. 2010-64
Tree Services on 606 Third Avenue N.E.
Bid Award

WHEREAS, bids were opened on April 22nd, 2010 at 2:00 pm for Tree Services located on 606 Third Avenue NE for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 8 vendors:

| | | |
|------------------------|------------|-------------------------|
| Burk's Tree Service | Hanceville | 450.00 |
| Clemmon's Tree Service | Cullman | 300.00 |
| Colburn's Tree Service | Cullman | 350.00 |
| Discount Tree Service | Crane Hill | 375.00 |
| Keller's Tree Service | Cullman | 350.00 |
| Michael's Tree Service | Addison | Bid Invitation Returned |
| Newman's Tree Service | Cullman | 400.00 |
| Reeves and Son, LLC | Vinemont | 545.00 |

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 26th day of April, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 26th day of April, 2010.

/s/ Max A. Townson
Mayor

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

President Gudger asked for any other business to come before the Mayor and Council, being none a motion to adjourn was made by Council Member Cook. Council Member

Hollingsworth seconded the motion and by a voice vote the meeting was adjourned at 7:24 p.m.