

**CULLMAN CITY COUNCIL
REGULAR MEETING
AUGUST 8th, 2011**

President Gudger called the Cullman City Council Meeting to order at 7:15 p.m. on Monday, August 8th, 2011. Zac Wood, 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 27th, 2011. Council Member Cook made a motion to suspend the rules. Council Member Hollingsworth 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 27th, 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

Council Member Folsom made a motion to add #6 under Roman Numeral IX which is a request from WWTP to purchase a new HVAC unit in the amount of \$5,600 to replace the old HVAC unit that would cost over \$2,600 to repair. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote.

Council Member Cook made a motion to add #5 under Roman Numeral X which is Resolution 2001-132 to authorize the Mayor to enter into an agreement with St. John & Associates for a site plan to correct a drainage problem at the New City Garage in an amount not to exceed \$7,000. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote.

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 - He stated that the City will be in contact with several engineering firms to hire a professional to coordinate and estimate the costs associated with placing the utilities in the downtown area underground.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion approve the request from Grumpy's Italian Grill located at 402 5th Street SW to transfer the approval letter for a City license to sell beer and wine for on premise consumption which had a favorable recommendation for the Alcohol Review Committee. Council Member Folsom seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Rodger Turner of Smith Farms located at 1825 4th Street SW for an approval letter for a "special events" City alcohol license during the Cullman Oktoberfest to sell "draft" beer and wine for on premise consumption at the Rotunda located at 108 Clark Street NE which also had a favorable recommendation for the Alcohol Review Committee. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from the Glaser, Bennett, Thompson, McBrayer, Kirby, and St. John families for a noise permit and to close 6th Avenue SE between 6th Street SE and 7th Street SE on Monday, September 5th, 2011 between the hours of 9:00 am and 9:00 pm for a neighborhood block party. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council President Gudger stated that the request from Bruce Bynum of 1806 Highland Drive NW to vacate the alley between lots 10 & 11 and to vacate the alley behind the property located at 609 4th Street SE would have to be referred to the Planning Commission.

Council Member Hollingsworth made a motion to approve the request from the Garage to go to bid on a four post lift for the New Garage Building at the estimated cost of \$13,500. Council Member Page seconded the motion. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from WWTP to purchase a new HVAC unit in the amount of \$5,600 to replace the old HVAC unit that would cost over \$2,600 to repair. Council Member Folsom seconded the motion and the motion was approved by a voice vote.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NO. 2011-130 RESOLUTION TO PARTICIPATE IN FEMA'S LONG-TERM COMMUNITY RECOVERY PLANNING PROGRAM AT NO COST TO THE CITY OF CULLMAN, ALABAMA

WHEREAS, the City Council of the City of Cullman has determined that it would be in its best interest to participate in FEMA's Long-Term Community Recovery Planning Program at no cost to the City of Cullman, Alabama; and

WHEREAS, the City Council of the City of Cullman believes that FEMA's Long-Term Community Recovery Planning Program will optimize recovery resources for the City of Cullman, Alabama;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that the City will participate in FEMA's Long-Term Community Recovery Planning Program at no cost to the City of Cullman, Alabama.

Council Member Folsom 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. 2011-131

WHEREAS, The Alabama Department of Transportation ("ALDOT") has requested the City of Cullman, Alabama to execute a permit for the modification of the existing traffic signal at the U.S. Highway 31 and Main Avenue intersection pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the modification of the traffic signal as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and City Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Modification of the existing traffic signal at the U.S. Highway 31 and Main Avenue intersection; and
 - b. Operation and maintenance of the existing traffic signal at the U.S. Highway 31 and Main Avenue intersection.

2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the construction of the existing traffic signal provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Cullman, Alabama.

ADOPTED this the 8th day of August, 2011.

/s/ Garlan Gudger Jr.
President of City Council

APPROVED:

/s/ Max A. Towson
Mayor

ATTEST:

/s/ Ruth W. Rose
City Clerk

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 ordinance:

ORDINANCE NO. 2011 - 22
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

Kelvin and Angela Veal

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:

Lot No. 8 of the Heatherbein Subdivision as recorded in the office of the Judge of Probate, Cullman County, Alabama in the Subdivision files B-54-A, Cullman County House and located in the Southeast Quarter of the Southwest Quarter, Section 27, Township 9 South, Range 3 West, and the Northeast Quarter of the Southwest Quarter, Section 27, Township 9, Range 3 West, Cullman County, Alabama. Subject to the restrictive covenants dated December 6, 1988, and recorded in Fiche 1025, Frame D-3, on December 7, 1998. Also subject to a 10 foot easement for utilities and drainage along all lines of Lot No. 8 except around the lake side of said lot.

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

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

Lot No. 8 of the Heatherbein Subdivision as recorded in the office of the Judge of Probate, Cullman County, Alabama in the Subdivision files B-54-A, Cullman County House and located in the Southeast Quarter of the Southwest Quarter, Section 27, Township 9 South, Range 3 West, and the Northeast Quarter of the Southwest Quarter, Section 27, Township 9, Range 3 West, Cullman County, Alabama. Subject to the restrictive covenants dated December 6, 1988, and recorded in Fiche 1025, Frame D-3, on December 7, 1998. Also subject to a 10 foot easement for utilities and drainage along all lines of Lot No. 8 except around the lake side of said lot.

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 8th day of July, 2011.

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

Attest:

Ruth W. Rose
City Clerk

TRANSMITTED to the Mayor this the 8th day of July, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of July, 2011.

/s/ Max A. Townson
Mayor

Council President Gudger stated that the first reading of the Redesign Guidelines for Downtown is tonight and that the public hearing will be on September 2nd, 2011 at 12:00 noon.

ORDINANCE 2011-23

An Ordinance to amend the Zoning Ordinance of the City of Cullman CBD District

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

Section 1. The attached Design Guidelines are incorporated in the Zoning Ordinance as Section 62-334 of the Cullman City Code.

Section 2. The City of Cullman hereby create a board of Design Review made up of seven (7) members to be appointed by the Mayor and Council. The Cullman City Council Members will appoint six (6) members and the Mayor will appoint one (1) board member. The first term of members will serve as follows:

Place #1 and #2 will serve for two (2) years

Place #3 and #4 will serve for three (3) years

Place #5 and #6 will serve for four (4) years

The appointment made by the Mayor shall serve a four (4) year term. The board members shall serve without compensation.

Section 3. The purpose of the Board of Design and Review

1. To review the facade plans of any structure which owner submits for the construction or improvement of which requires a building permit for repairs.
2. To issue a Certificate of Appropriateness (COA) or to deny the facade design with specific reasons why such design is rejected.
3. Failure of the Board to issue a COA or a letter of rejection within seven (7) days from the meeting or which the design was reviewed the design shall be deemed acceptable.
4. The facade Design must be submitted by an architect or engineer licensed and doing business in the State of Alabama.
5. All facades construction requiring a building permit must be submitted to the board and be received 14 days prior to the Board of Design Review meeting date. Plans shall be submitted to the City of Cullman Building Department.
6. Any aggrieved party may appeal to the Zoning Board of Adjustment of the City of Cullman within fourteen (14) days of denial.

ADOPTED this the ____ day of _____, 2011.

President of the City Council

ATTEST:

City Clerk

Transmitted to the Mayor this the ____ day of _____, 2011.

City Clerk

APPROVED by the Mayor this the ____ day of _____, 2011.

Mayor

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

**RESOLUTION NO. 2011-132
RESOLUTION AUTHORIZING MAYOR TO ENTER INTO
CONTRACT WITH ST. JOHN & ASSOCIATES**

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 St. John & Associates to provide a site plan at the New City Garage to correct a drainage problem at a total cost not to exceed \$7,000; and

WHEREAS, the scope of work will include but not be limited to developing a site plan, engineering and/or professional services to correct a drainage problem at the New City Garage; 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 contract with St. John & Associates 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 contract with St. John & Associates to provide a site plan at the New City Garage to correct a drainage problem at a total cost not to exceed \$7,000.

ADOPTED this the 8th day of August, 2011.

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

ATTEST:

Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of August, 2011.

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 adjourn. Council Member Page seconded the motion and the meeting was adjourned at 7:55 p.m. by a voice vote. Ayes: All. Nays: None.