

CULLMAN CITY COUNCIL  
REGULAR MEETING  
December 14<sup>th</sup>, 2009

The Mayor and Council met in the city council conference room at 6:00 pm. Mayor Townson and all Council Members were present. The Mayor and Council reviewed the Ordinance to amend rates on water and sewer. The increase is an average of 9.75 percent. The water rates will still remain the second lowest in the county wide systems. Wes Moore, Accountant and Roy Williams were present to answer any questions. Bob Burns was present to explain a request to apply for a state grant for a new hangar at Folsom Field. The 50 percent match will be split between the City of Cullman and Cullman County Commission. The amount for the City of Cullman is just over \$105,000.

The Cullman City Council met in regular session on December 14<sup>th</sup>, 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Council Member Cook 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 and Council Member Clint Hollingsworth. Absent - Council Member Folsom. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meetings on November 2<sup>nd</sup>, 2009. Council Member Hollingsworth seconded the motion and motion carried on roll call. Ayes: Council Members Page, Cook, Gudger and Hollingsworth. Nays: None.

Council Member Cook then moved to approve the minutes as written and Council Member Hollingsworth 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 other than Delwin Kilgo is retiring at the end of this month after many years of service to the City of Cullman.

Council Member Clint Hollingsworth - Street Committee - No Report.

Council Member Jenny Folsom - Finance Committee - Absent - President Gudger informed us Council Member Folsom is retiring at Wallace State College and is attending a foundation board meeting at Wallace State College tonight.

### **REPORTS OF OFFICERS**

Mayor Max A. Townson - The next City Council Meeting is scheduled for December 28<sup>th</sup>, 2009 and wishes everyone a very Merry Christmas!

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

Mr. Stanley Yarbrough, a candidate for Cullman County Commissioner Place #2, was present to express his support for the Duck River Project. When elected in 2010 he will sign the agreement with Chairman Graves and the City of Cullman Utilities Board. He asked for support in the upcoming election.

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

Council Member Cook made a motion to approve the request from Delwin Kilgo, Sanitation Department Supervisor, to take bids on Ten 8 yard and Ten 4 yard dumpsters or containers. The estimated cost is \$12,000. Council Member Page seconded the motion and motion was approved with a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to authorize payment of \$12,000 to \$13,500 to Goodwyn, Mills and Cawood, Inc. (GMC) for pre-demolition screening for Greif Brothers Property. Council Member Page seconded the motion and President Gudger opened it for discussion. Roy Williams, Attorney explained the conditional agreement with previous owner when this property was purchased was to clean up any problem areas. This was a pre purchase conditional agreement to get the property for the purchase price. President Gudger explained how ADEM has strict guidelines to make this a safe environment for future uses. The engineers will determine what needs to be done to safely demolish and remove these buildings from the property. The motion was approved by a voice vote. Ayes: All. Nays: None.

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

Council Member Cook made a motion to approve a resolution authorizing the Mayor the sign an agreement with Garver, LLC to proceed with \$210,234 (50%) state grant application for hangars. The following resolution was read:

RESOLUTION NO. 2010-21(A)  
AUTHORIZING MAYOR TO SIGN AGREEMENT WITH  
GARVER, LLC FOR AIRPORT HANGAR PROJECT

WHEREAS, **Garver, LLC** has presented a proposal to provide professional engineer services related to Hanger Construction at the Cullman Regional Airport referred to as the “Project”; and

WHEREAS, the City has considered the scope of work included in the proposal to include construction of 100'X 100' Corporate Hanger; 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 for an estimated fee of \$24,805.89. This includes Project/Grant Development, Engineering Assistance, a Geotechnical Survey, Bidding Services and Construction Administration Services.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with **Garver, LLC** 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 14<sup>th</sup> day of December, 2009.

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

I, the undersigned qualified and acting as the City Clerk of the City of Cullman, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Cullman named therein, at a regular meeting of such body held on the 14<sup>TH</sup> day of December, 2009, and that such resolution is on file in the office of the City of Cullman.

IN WITNESS WHEREOF, I                      have hereunto set my hand and affixed the official seal of  
the City of Cullman on this 14<sup>th</sup> day of December, 2009.

SEAL

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 14<sup>th</sup> day of December, 2009.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 14<sup>th</sup> day of December, 2009.

/s/ Max A. Townson  
Mayor

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

President Gudger asked Wes Moore, Accountant, to give a brief overview of Ordinance 2010-03 increasing the residential, commercial and industrial water rates. This is the first reading of the Ordinance. Wes Moore stated this estimated 9.75% is for increased operational cost and water line replacements. The following Ordinance was reviewed with no action taken:

ORDINANCE NO. 2010-03

AN ORDINANCE PROVIDING FOR NEW MONTHLY MINIMUMS  
AND NEW RATES FOR WATER SERVICE TO RESIDENTIAL,  
COMMERCIAL AND INDUSTRIAL CUSTOMERS OF THE  
CITY OF CULLMAN, ALABAMA

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

SECTION 1. Charges for water service provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days, or once each month, and shall be based upon the quantity of water used.

SECTION 2. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2010:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill	\$19.00 for first 3,000 gallons
Over 3,000 gallons	\$ 4.40 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill	\$23.30 for first 3,000 gallons
Over 3,000 gallons	\$ 5.35 per 1,000 gallons

SECTION 3. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2011:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill	\$20.85 for first 3,000 gallons
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Over 3,000 gallons \$ 4.85 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill \$25.60 for first 3,000 gallons  
Over 3,000 gallons \$ 5.90 per 1,000 gallons

SECTION 4. The following rates to be charged for water service are hereby fixed and established by the City Council of the City of Cullman, effective January 1, 2012:

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES INSIDE CITY LIMITS

Minimum Bill \$22.90 for first 3,000 gallons  
Over 3,000 gallons \$ 5.35 per 1,000 gallons

RESIDENTIAL, COMMERCIAL, & INDUSTRIAL RATES OUTSIDE CITY LIMITS

Minimum Bill \$28.10 for first 3,000 gallons  
Over 3,000 gallons \$ 6.50 per 1,000 gallons

SECTION 5. The provisions of this Ordinance shall not in any way affect the Wholesale Water Rate charged by the City, which rate is calculated annually as provided in the contracts between the City of Cullman and its wholesale customers.

SECTION 6. This Ordinance is adopted solely for the purpose of changing rates to be charged to retail water customers of the City of Cullman, and does not affect other provisions of Ordinance No. 1332 or provisions of other ordinances which have not been previously repealed.

SECTION 7. All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance, after its adoption, shall be published as required by law, and shall become effective January 1, 2010.

ADOPTED this the \_\_\_\_ day of December 2009.

\_\_\_\_\_  
President of the City Council

Attest:

\_\_\_\_\_  
City Clerk

Transmitted to the Mayor this the \_\_\_\_\_ day of December 2009.

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City Clerk

APPROVED this the \_\_\_\_\_ day of December 2009.

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Mayor

The next Ordinance sets rates for sewer service provided by the City of Cullman. President Gudger explained the price increase pays for upgrades and modification to sewer lines and pumping stations. The following Ordinance was reviewed with no action taken:

ORDINANCE NO.2010-04

AN ORDINANCE TO SET RATES FOR SEWER SERVICE  
PROVIDED BY THE CITY OF CULLMAN, ALABAMA

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

SECTION 1 Charges for sewer service provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days, or once each month, and shall be based upon the quantity of water used.

SECTION 2 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2010:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$26.75 for the first 3,000 gallons of water used or any portion thereof; and \$8.50 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$29.35 for the first 3,000 gallons of water used or any portion thereof, and \$9.50 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 3 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2011:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$29.35 for the first 3,000 gallons of water used or any portion thereof; and \$9.35 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$32.25 for the first 3,000 gallons of water used or any portion thereof, and \$10.45 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 4 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2012:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$32.25 for the first 3,000 gallons of water used or any portion thereof; and \$10.30 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$35.40 for the first 3,000 gallons of water used or any portion thereof, and \$11.50 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 5 Minimum and Maximum Charges. The minimum charge for sewer service shall be the charges set out in Section, Paragraph (a) and (b). The maximum charge for sewage disposal services shall be determined by the amount of water used.

SECTION 6 All ordinances or parts thereof which are in conflict with this Ordinance are hereby expressly repealed.

SECTION 7 The City Council hereby declares that this Ordinance is adopted solely for the purpose of changing rates to be charged for sewer service, and it is not the intention of this Council to repeal Ordinance No. 1102 nor to repeal any sections of Ordinance No. 1335 not expressly changed by this Ordinance.

SECTION 8 This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

ADOPTED this the \_\_\_\_\_ day of December 2009.

\_\_\_\_\_  
President of the City Council

Attest:

\_\_\_\_\_  
City Clerk

Transmitted to the Mayor this the \_\_\_\_\_ day of December 2009.

\_\_\_\_\_  
City Clerk

APPROVED this the \_\_\_\_\_ day of December 2009.

\_\_\_\_\_  
Mayor

These ordinances will be voted on at the next council meeting which is scheduled for December 28<sup>th</sup>, 2009.

President Gudger wanted to express his appreciation to the Department Heads and all employees of the City of Cullman for doing such a great job during these hard economic times. Council Member Cook also expressed his gratitude. Council Members Page and Hollingsworth seconded the statement.

Being no further business to come before the Mayor and Council a motion to adjourn was made by Council Member Hollingsworth. Council Member Cook seconded the motion and meeting was adjourned at 7:15 pm.

