

CULLMAN CITY COUNCIL
SPECIAL MEETING
February 8th, 2011

The Mayor and Council met in the Lucille N. Galin Auditorium on Tuesday, February 8th, 2011 at 6:00 P.M. to hold the Public Hearings for alcohol licensee applicants. The meetings were open public forums and everyone was welcomed. President Gudger presided over the meetings. The 13 Public Hearings were addressed as follows:

President Gudger announced the first applicant was Backyard Burgers, 5781 Alabama Highway 157, requesting a license for Beer On Premise Consumption in the Restaurant. There were none who spoke against and Kent Weir was present in support of the request. The Public Hearing was closed for Backyard Burgers.

The next applicant was Carlton's Italian Restaurant located at 208 Third Avenue SE, Cullman, AL for a license to serve beer and wine on premises. President Gudger asked for any response from the public. There were none against and Mr. Blaylock was in favor of the request. The public hearing for Carlton's Italian Restaurant was closed.

President Gudger announced the next applicant was Cornerstone Beverages, Inc located at 2047 Second Avenue SW, requesting a license for a package store (Lounge Class II) for off premise consumption. The Public Hearing was opened for public response. There were none against the request and Elizabeth Allen was present in favor of request. The Public Hearing was closed.

The next public hearing was opened for Emart #4 located at 1667 Cherokee Avenue Sw requesting a license for a convenience store to sell beer for off premise consumption. President Gudger asked for any response for or against the request. There were no responses. He then closed the Public Hearing for Emart #4 Convenience Store.

President Gudger opened the next Public Hearing for Food World located at 1104 Cullman Shopping Center requesting a license to sell beer and wine for off premise consumption. The hearing was opened for any response in favor or against the request. There were none against and Mr. Richard McDonald was present in favor of the request. President Gudger closed the Public Hearing for Food World.

The next Public Hearing was opened for Moore's Texaco located at 3266 Alabama Highway 157 requesting a license for beer and wine to be sold for off premise consumption. President Gudger asked for anyone for or against the request. There were none. The Public Hearing was closed.

President Gudger opened the next Public Hearing for Ruby Tuesday located at 6076 Alabama Highway 157 for a license to serve liquor on premises in the restaurant. President Gudger asked for anyone to speak for or against the request. There were none against and 4 present in favor of the license request. President Gudger then closed the public hearing for Ruby Tuesday.

The next Public Hearing was opened for a request from Smith Farms located at 1825 Fourth Street, SW to sell beer and wine for off premise consumption. President Gudger asked for

anyone to speak for or against this request. There were none against and Mr. Rodger Turner was present in support of the request. President Gudger then closed the Public Hearing.

President Gudger opened the next Public Hearing for Southmart #1 located at 1701 Cherokee Avenue Sw requesting a license to sell beer for off premise consumption. A request for anyone for or against to come to speak. There were none. President Gudger then closed the public hearing for Southmart #1.

The next Public hearing was opened for Southmart #2 located at 1935 Fourth Street, SW requesting to sell beer for off premise consumption. President Gudger asked for comments from the public. There were none. He then closed the Public Hearing for Southmart #2.

President Gudger opened the public hearing for Southmart #4 located at 415 Second Avenue NW requesting a license to sell beer for off premise consumption in the convenience store. President Gudger asked for any comments for or against the request. There were none. The Public Hearing was then closed.

The next Public hearing was opened for Southmart #7 located at 5901 Alabama highway 157 NW requesting to sell beer for off premise consumption. President Gudger asked for comments from the public. There were none. He then closed the Public Hearing for Southmart #7.

President Gudger opened the final Public Hearing for Wal Mart-Super Center located at 626 Olive Street Sw requesting to sell beer and wine for off premise consumption. President Gudger asked for comments for or against this request to come forward. There were none. The Public hearing was closed for Wal-Mart Super Center.

President Gudger recessed for a break to allow the ARC Board to review the applications and make a recommendation to the Mayor and Council Members.

The Council Meeting was reconvened at 6:45 P.M. The ARC Board gave the written recommendations to the Mayor and Council Members.

President Gudger read a favorable recommendation for Backyard Burgers. 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.

President Gudger said Carlton's Italian Restaurant was given a favorable recommendation by the ARC Board. Council Member Folsom 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. President Gudger abstained from voting.

President Gudger said Wal-Mart Super Center received a positive review from the ARC Board. 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.

President Gudger announced Cornerstone Beverage, Inc was given a recommendation from the

ARC Board and asked the pleasure of the Council. Council Member Folsom made a motion to approve the request from Cornerstone Beverages, Inc and Council Member Page seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said a favorable recommendation was given for Emart #4 to sell beer off Premise Consumption. Council Member Page made a motion to approve the request and Council member Hollingsworth seconded the motion. The approval was made by a voice vote. Ayes: All. Nays: None.

The next request with a favorable recommendation was for Food World Grocery Store. Council Member Folsom made a motion to approve the request and Council member Hollingsworth seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said a favorable recommendation was made for Moore's Texaco to sell beer and wine off premise consumption. Council Member Page made a motion to approve the request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger announced the next approval of the ARC Board was for Ruby Tuesday's Restaurant to sell alcohol for on premise consumption.. Council Member Folsom 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.

The next approval of the ARC Board was for Smith Farms to sell beer and wine for off premise consumption. Council Member Cook made a motion to approve the request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said the ARC Board made a favorable recommendation for Southmart #1 Convenience Store to sell beer for off premise consumption. Council Member Hollingsworth 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.

President Gudger said the ARC Board made a favorable recommendation for Southmart #2 Convenience Store to sell beer for off premise consumption. Council Member Folsom made a motion to approve the request and Council Member Hollingsworth seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said the ARC Board made a favorable recommendation for Southmart #7 Convenience Store to sell beer for off premise consumption. 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.

President Gudger said the ARC Board made a favorable recommendation for Southmart #4 Convenience Store to sell beer for off premise consumption. Council Member Folsom made a motion to approve the request and Council Member Cook seconded the motion. The motion was

approved by a voice vote. Ayes: All. Nays: None.

President Gudger thanked the ARC Board for their hard work and efforts to get these requests reviewed and approved.

President Gudger announced the next scheduled Public Hearings for Alcohol Sales are set for Monday, February 14th, 2011 at 6:00 P.M. There will be a City Council Meeting following the 8 Public Hearings.

President Gudger called the meeting back to order at 7:00 P.M. and Police Chief Culpepper presented the invocation..

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

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 - No Report

REPORTS OF OFFICERS

Mayor Max A. Townson - No Report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mrs. Ellen Hulan , 1311 Atlanta Avenue, SW, Cullman, AL was present to discuss a very large water bill (over \$300). She lived there only 15 days when she received this large bill in December 2010. She had numerous calls to the Water Department and 2 calls to the Mayor's office. She felt she had not been treated the same as other people with excessive bills. Mrs. Hulan said a person who works in her office had a very large water bill and the person at the Power Board adjusted the bill. Mayor Townson told her the Power Board does not have the authority to adjust water bills. President Gudger told her the Utilities Board does the billing for

the Water Department. He apologized to her asked her to give her telephone number to the clerk and he will investigate the situation. Mr. Junior Heaton was present to discuss the issue with Mrs. Hulkan.

Chris Culpepper, 55 County Road 163, Cullman, AL and other address 4424 Overlook Road in Birmingham. Rob Rookis was also present to request the City of Cullman allow them to continue administering the cafeteria plan for employees. Mr. Culpepper said Colonial Life and Accident owns a communication package that allows the employee to see the true benefits the City of Cullman is paying for each employee. He has presented this package to the employees the past 8 years. President Gudger asked if Colonial and the Rookis Agency are the same. Mr. Culpepper said Colonial offers a better mix of products for the employees.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

President Gudger read a written request from Tanya Shearer, Coordinator of Empty Bowls of Cullman County, to use the parking spaces on the South side of First United Methodist Church for carry out services. The 8th Annual event will be held on Monday, February 21, 2011 from 4:30 until 7:00 P.M. Council Member Folsom made a motion to approve the request and Council Member Hollingsworth seconded the motion. President Gudger asked both Chief Culpepper and Chief Reinhardt if there was a problem with the request. Both agreed this an annual event and there have not been any problems in the past. The motion was approved by a voice vote. Ayes: All. Nays: None.

A written request for a permit from Beth Arbet, Coordinator of the First Federal's 2nd Annual Relay for Life 5-K and One Mile Run, to host this event on Saturday, May 7th, 2011 beginning at 8:00 A.M. Council Member Hollingsworth made a motion to approve the request and Council Member Page seconded the motion. President Gudger asked the Police Chief and Fire Chief if they were aware and approved the request. Chief Culpepper stated this date was a training date for the Police Reserves and the committee may have to help with some intersections. President Gudger suggested giving Christy Turner at Park and Recreation for assistance with runners. The motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger read a written request from Mr. Jason Neal, Branch Manager of Liberty National Life Insurance, to be the administrator for the City of Cullman's Cafeteria Plan. Council Member Page made a motion to table this request and Council Member Folsom seconded the motion. The request was tabled by a voice vote. Ayes: All. Nays: none.

President Gudger asked the Council's opinion to declare the house located at 711 Second Avenue NE as surplus property. The house can not be moved because of the height. Council Member Cook made a motion to approve and Council member Folsom seconded the motion. Mayor Townson said the City may want to sell the property. He recommends getting an appraisal and taking bids or advertising. President Gudger asked the zoning of this property. Mr. Roy Williams said the property is zoned M-1. The zoning of the property could be changed if sold. The request was approved by a voice vote. Ayes: All. Nays: none.

Council member Cook made a motion to adjourn and Council Member Folsom seconded the motion. The meeting was adjourned at 7:15 P.M. by a voice vote. Ayes: All. Nays: None.