

CULLMAN CITY COUNCIL
REGULAR MEETING
January 24th, 2011

The Mayor and Council Members met in the Council Chambers at 6:30 p.m. to review the agenda.

Mr. Wesley Moore, Accountant and Attorney Roy Williams were present to answer any questions. Trent Moore, Cullman Times Reporter, was also present.

The Cullman City Council met in regular session on Tuesday, January 24th, 2011 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Mr. Zac Wood 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. Absent - None. 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 meeting on January 11th, 2011 and take immediate action. Council Member Folsom seconded the motion and the motion carried on a 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 on January 11th, 2011 and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook made a motion to add item #4 under Roman Numeral IX a request by Mr. Rick Fulmer to purchase two hand held radios. Council Member Hollingsworth seconded the motion and by a voice vote the item was added to the agenda. Ayes: All. Nays: None.

Council Member Folsom made a motion to add item #8 under Roman Numeral X a resolution to adopt the by laws of the Alcohol Review Committee. 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 delete item #7 under Roman Numeral X. This ordinance was requested to be removed by the property owners, Robert and Patti Heatherly. The Heatherlys decided to cancel the request to be annexed into the City of Cullman. Council Member Folsom seconded the motion and the item was deleted by a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No Report.

Council President Garlan Gudger - Fire Committee - Chief Reinhardt reported on his recent trip to Ocala, FL to purchase a new pumper fire truck. The expected delivery date is October 15, 2011. The department was awarded a grant for a new ladder truck in the amount of \$750,000. This grant requires a 5% match. The specifications are being prepared for the bid process.

Council Member Johnny Cook - Sanitation Committee- No Report.

Council Member Clint Hollingsworth - Street Committee - No Report.

Council Member Jenny Folsom - Finance Committee - The first quarter of this fiscal year being October, November and December 2010 was completed. The general fund revenues were down less than 1%. Sales taxes were increased by 5%. This was the largest increase in the past two years. The 7% increase was budgeted and consisted of 2% capital improvements and a 5% increase for employees. Four departments consisting of Traffic, Urban Forestry, Museum and Administration have been below budget for the first quarter. The new capital projects that will be completed this fiscal year include the new city garage, streetscape Phases II and III and paving projects. The Utility Board is moving forward with the Duck River Reservoir. Thanks to all the wholesale water customers for making this possible. The board will be going to the bond market later this year. All debt service payments have been made in a timely manner. President Gudger thanked the department head and employees for helping make tough decision and cutting back before the economic crisis got out of hand. Some cities are having very difficult times now and feeling the hard impact. He is very thankful the City of Cullman was able to give employees a pay raise. Council Member Folsom said if anyone wants more details to see Mr. Wesley Moore, Accountant, after the meeting.

REPORTS OF OFFICERS

Mayor Max A. Townson reported on the recent snow storm. He was so proud of the city department and employees. All services were continued on a timely manner. This was the worst storm in the past 15 years. All departments pulled together and made the best of this storm. Mayor Townson recognized Boy Scout Troop #219 being present tonight. Mr. Rob Huddleston, Troop Leader, was asked to come to the podium and introduce all the scout members. Mr. Huddleston said all the members are working on their citizenship and merit badge. They are required to attend a city council meeting in order to achieve this badge. President Gudger thanked them for attending and invited them to come back.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PUBLIC HEARINGS

President Gudger called to order for the first hearing which was an ordinance to re-zone property owned by Vicki Tucker Andrews. The property is located in the Musgroves' Addition lots #5 and #6 and the request is to change from R-4 to CBD (Central Business District). There was no response anyone. President Gudger declared this hearing closed. The re-zoning was granted by ordinance 2011-03.

The next Public Hearing was a request for a re-zoning of property owned by Norman R. Bryan located in Musgroves' Addition. The request is to be zoned CBD for lot #4 and 16 feet of the south side of lot #3.

The property is currently zoned R-4. President Gudger asked anyone to come forward to speak. There was no response. President Gudger closed this public hearing and the request was granted by Ordinance 2011-04.

The final Public hearing was a request for re-zoning of property owned by Cullman Savings Bank. The property is currently zoned R-2 and is located on highway #278 East. The request was made to be zoned B-1. President Gudger asked anyone to come forward to speak on this request. There was no response. President Gudger closed the public hearing and Ordinance 2011-05 was adopted.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve a request from Mrs. Elaine Fuller, Museum Curator, to take bids for repairs to the Weiss Cottage. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the written request made by Lucinda Harding to close one half of street in front of the Rotunda. The wedding reception will be held on the corner of First Avenue and Clark Street. The event will close the street from 9:00 a.m. on Saturday, March 12th, 2011 until Noon on March 13th, 2011. Council Member Hollingsworth seconded the motion. President Gudger checked with the Police Chief, Fire Chief and Rick Fulmer for their approval. The motion was approved by a voice vote. Ayes: All. Nays: none.

Council Member Folsom made a motion to approve the request from the Accounting Department to purchase a filing cabinet for \$465.00 and a paper shredder in the amount of \$2,849.00. These are budgeted items. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Mr. Rick Fulmer, Chief Building Inspector, to purchase two hand held digital radios in the amount of \$1,446.00. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Hollingsworth made a motion to adopt the following Resolution:

RESOLUTION NO. 2011-54

AWARDING OF BID FOR ROCK AND MATERIALS FOR STREET DEPARTMENT

WHEREAS, bids were opened on January 18th, 2011 at 2:00 pm for Rock and other materials needed for the City of Cullman Street Department ; and

WHEREAS, the following 2 vendors submitted their bids:

Description	Blount Springs Materials, Inc.		C. A. Langford Company, Inc.		
	Per ton:	FOB Plant	FOB Cullman	FOB Plant	FOB Cullman
1. 300 ton (more or less) # 2 Rock		\$7.00/2100	\$10.25/3075	\$6.75/2025	\$11.75/3525
2. 300 ton (more or less) #4 Rock, Washed		\$7.00/2100	\$10.25/3075	\$6.50/2025	\$11.75/3525
3. 15,000 ton (more or less) #6 Rock, Washed		\$7.00/105000	\$10.25/153750	\$6.75/101250	\$12.00/180000
4. 10,000 ton (more or less) #78 Rock, Washed		\$7.00/70000	\$10.25/102500	\$7.25/72500	\$12.25/122500
5. 5,000 ton (more or less) #810 Dust or Binder		\$5.50/27500	\$8.75/43750	\$5.75/28750	\$11.00/55000
6. 20,000 ton (more or less) Mix Base DGB		\$7.00/140000	\$10.25/205000	\$6.25/125000	\$11.50/230000
7. 20,000 ton (more or less) Crusher Run		\$7.00/140000	\$10.25/205000	\$5.95/119000	\$11.20/224000
8. 5,000 ton (more or less) #8 or #89 Rock, Washed		\$8.00/40000	\$11.25/56250	\$8.25/41250	\$13.25/66250
9. 10,000 ton (more or less) Class 1, Rip Rap		\$8.50/85000	\$12.75/127500	\$6.00/60000	\$11.00/110000
10. 10,000 ton (more or less) Class 2, Rip Rap		\$8.75/87500	\$13.00/130000	\$6.50/65000	\$12.75/127500
Totals:		<u>\$699,200</u>	<u>\$1,029,900</u>	<u>\$616,800</u>	<u>\$1,122,300</u>

WHEREAS, the recommendation from Mr. Rick Henry, Street Department Superintendent is to award the bid to Blount Springs Materials, Inc. which delivers it's materials and will save fuel charges and labor.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the contract be awarded to Blount Springs Materials, Inc.

ADOPTED this the 24th day of January , 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of January, 2011.

/s/ Max A. Townson
Mayor

Council Member Folsom seconded the motion. President Gudger asked Mr. Rick Henry, Street Department Superintendent, for any comments. Mr. Henry made his recommendation for the resolution. The bid was awarded by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to adopt the following Resolution:

RESOLUTION NO. 2011-55

AWARDING OF BID #R-01595 FOR CONCRETE MATERIALS

FOR THE CITY OF CULLMAN STREET DEPARTMENT

WHEREAS, bids were opened on January 18th, 2011 at 2:00 pm for various types of concrete materials needed for the City of Cullman Street Department ; and

WHEREAS, the following 2 vendors submitted their bids:

Description	USA, DCA Ready Mix, Incorporated			Kirkpatrick Concrete, Incorporated		
	Per Cubic	Environmental	Small Load	Per Cubic	Environmental	Small Load
	Yard	Fee Per Load	Charge, 3 cu yds or less	Yard	Fee Per Load	Charge, 3 cu yds or less
Regular 3000# Mix	<u>\$85.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$82.00</u>	<u>\$4.00</u>	<u>no charge</u>
3000# Goodlett Mix	<u>\$88.75</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$85.00</u>	<u>\$4.00</u>	<u>no charge</u>
4000# Mix	<u>\$92.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$87.00</u>	<u>\$4.00</u>	<u>no charge</u>
4000# Goodlett Mix	<u>\$95.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$90.00</u>	<u>\$4.00</u>	<u>no charge</u>
5000# Mix	<u>\$100.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$92.00</u>	<u>\$4.00</u>	<u>no charge</u>
Power Curber Mix PC-150	<u>\$98.50</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$87.75</u>	<u>\$4.00</u>	<u>no charge</u>
Pumped Mix	<u>\$95.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$88.00</u>	<u>\$4.00</u>	<u>no charge</u>
Pervious Concrete	<u>\$100.00</u>	<u>\$4.00</u>	<u>\$50.00</u>	<u>\$92.00</u>	<u>\$4.00</u>	<u>no charge</u>

WHEREAS, the recommendation from Mr. Rick Henry, Street Department Superintendent is to award the bid to Kirkpatrick Concrete, Inc. which delivers it's 3 yards or less materials at no charge and will save delivery charges to the City of Cullman.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the contract be awarded to Kirkpatrick Concrete, Inc.

ADOPTED this the 24th day of January , 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of January, 2011.

/s/ Max A. Townson
Mayor

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

Council Member Folsom made a motion to approve the following Resolution:

RESOLUTION NO. 2011-56

**TRAFFIC LIGHT CONTROL LOOPS
AWARDING OF BID R-01593**

WHEREAS, bids were opened on Monday, January 17, 2011 at 2:00 PM for Traffic Light Control Loops; and

WHEREAS, the following 2 bids were received:

H & H Electric, LLC	Arab, AL	\$2.42 ft.
Stone & Sons Electrical	Birmingham	\$2.85 ft.

WHEREAS, the recommendation from Mr. Jeff Adams, Superintendent, is to award the bid to H&H Electrical the lowest responsible bidder.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to H&H Electric of Arab, AL at this time.

ADOPTED this the 24th day of January, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of January, 2011.

/s/ Max A. Townson
Mayor

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

President Gudger explained the next Resolution is for review by the Council Members and may authorize the Mayor to negotiate with the lone bidder, Carcel & G. Mr. Roy Williams, City Attorney, explained since

the project only had one bidder and it was over the budgeted amount the Mayor could negotiate the bid. Council Member Folsom made a motion to authorize the Mayor to negotiate the bid price in the following Resolution:

**RESOLUTION 2011-57
RESOLUTION TO REVIEW BID FOR
EVA ROAD BRIDGE**

WHEREAS, bids were opened on January 18th, 2011 at 2:00 p.m., for replacement of Eva Road Bridge, and

WHEREAS, the following one bid was received and publicly opened:

Carcel and G Construction Cullman \$1,929,657.00

WHEREAS, the recommendation from Mr. Dale Bright, Project Engineer for St. John and Associates, Inc. is to review and negotiate the bid from Carcel and G Construction which is the only bidder and is in compliance with the bid law requirements.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be under review to Carcel and G Construction of Cullman, AL in the amount of \$1,929,657.00.

ADOPTED this the 24th day of January, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of January, 2011.

/s/ Max A. Townson
Mayor

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

President Gudger explained that Ordinance 2011-10 which would adopt the codification of Ordinances being compiled by Municipal Code Corporation of Tallahassee, Florida. This is the first reading and no action will be taken tonight on the following Ordinance:

ORDINANCE NO. 2011-10__

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CULLMAN, ALABAMA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL:

Section 1. The Code entitled "Code of Ordinances, City of Cullman, Alabama," published by Municipal Code Corporation, consisting of chapters 1 through 62, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 23, 2009, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$500.00, incarceration for a period not to exceed six months, or both. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city council may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the * to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after November 23, 2009, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective February 7, 2011.

Passed and adopted by the city council this 7th day of February 2011.

President of City Council

ATTEST:

City Clerk

APPROVED this the 7th Day of February, 2011.

Mayor

Council Member Cook made a motion to adopt Ordinance 2011-11 approving the annexation of two parcels of property owned by Mr. Jerry Galin. The following Ordinance was read:

ORDINANCE NO. 2011-11

**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

Mr. Jerry Galin

Galin Enterprises

P. O. Box 295

Cullman, AL 35056-0295

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:

Parcel (1) Address: 10805 Hwy 31 South Parcel #17-07-26-0-001-040.002

.56 Acres BEG INT N ROW PHELAN RD & W ROW HWY 31 IN SE 1/4 TH CONT W ALG PHELAN RD 75' (S) 150, NW 165 E 45 (S) 120, TO HWY 31 SE 165 TO POB.

Section 26 Township 10S and Range 03W Lot Dimension 75 X 165 IRR

Parcel (2) address: 1461 County Road 715 Parcel #17-07-26-0-001-040.000

BEG W 75' FROM INT W ROW HWY 31 & N ROW PHELAN RD IN SE4TH CONT W 109' NW 135' E 57.8 SE 150' TO POB

Section 26 Township 10 and Range 03W Lot Dimension 57.8 X 150 IRR **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:

Parcel (1) Address: 10805 Hwy 31 South Parcel #17-07-26-0-001-040.002

.56 Acres BEG INT N ROW PHELAN RD & W ROW HWY 31 IN SE 1/4 TH CONT W ALG PHELAN RD 75' (S) 150, NW 165 E 45 (S) 120, TO HWY 31 SE 165 TO POB.

Section 26 Township 10S and Range 03W Lot Dimension 75 X 165 IRR

Parcel (2) address: 1461 County Road 715 Parcel #17-07-26-0-001-040.000

BEG W 75' FROM INT W ROW HWY 31 & N ROW PHELAN RD IN SE4TH CONT W 109' NW 135' E 57.8 SE 150' TO POB

Section 26 Township 10 and Range 03W Lot Dimension 57.8 X 150 IRRsaid **properties to be zoned B-2.**

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 24th day of January, 2011.

/s/ Garlan E. Gudger, Jr.

President of the City Council

Attest:

/s/ Ruth W. Rose

City Clerk

TRANSMITTED to the Mayor this the 24th day of January, 2011.

/s/ Ruth W. Rose

City Clerk

APPROVED this the 24th day of January, 2011.

/s/ Max A. Townson

Mayor

Council Member Folsom seconded the motion to adopt the Ordinance and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to adopt the following Resolution 2011-58:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA TO APPROVE THE BYLAWS OF THE CITY OF CULLMAN ALCOHOL REVIEW COMMITTEE (ARC)

WHEREAS, the City of Cullman recently approved its Alcohol Ordinance and said Ordinance implemented the formation of the City of Cullman Alcohol Review Committee (ARC); and

WHEREAS, the City of Cullman Alcohol Review Committee (ARC) has met, drafted, and presented it's Bylaws to the City Council for review and approval; and

WHEREAS, after review, the City Council has found the Bylaws to be acceptable;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the Bylaws as presented by the City of Cullman Alcohol Review Committee (ARC) are approved and ratified.

ADOPTED this the 24th day of January, 2011.

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

ATTEST:

/s/ Ruth W. Rose

City Clerk

Transmitted to the Mayor this the 24th day of January, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of January, 2011.

/s/ Max A. Townson
Mayor

Council Member Cook seconded the motion. President Gudger thanked Mr. Zac Wood for serving on this board and giving his time to help the community. The Resolution was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adjourn and Council Member Folsom seconded the motion. The meeting was adjourned at 7:25 P.M.

