

**CULLMAN CITY COUNCIL
REGULAR MEETING
June 27th, 2011**

The Mayor and Council Members met with the Economic Development Staff at 6:00 P.M. Mr. Dale Greer reported on the following projects: He said the Duck River Project was progressing well with the first sale of property this week. He will meet with Attorney Tom Landry tomorrow. He will also meet with CH2Mhill tomorrow. Peggy Smith reported on the following projects: She said that the meeting with CSX Railroads in Florida went very well. The CSX Railroads will get a 2007 survey with notes to be updated. She also said the Nicholson File is closing and that Cullman's unemployment rating of 8.7% which is 14th in 67 Counties. She also stated that the Cullman Alabama Team will host an event on October 6 to 8 , 2011 at the fairgrounds. She mentioned that the CBD District Area was ready for second floor apartments, and that Mr. David Briscoe is going to the local banks for financing.

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President Gudger called the Cullman City Council Meeting to order at 7:00 P.M on Monday, June 27th, 2011. Reverend Bob Kurtz, St. John's Church, 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 Clint Hollingsworth and Council Member Jenny Folsom. Also present were City Attorney Roy Williams, City Clerk Ruth W. Rose and Accountant Wes Moore. Absent: None

President Gudger asked the Council to consider the minutes from June 6th and June 10th, 2011. Council Member Cook made a motion to suspend the rules. Council Member Folsom seconded the motion and the motion was approved by a voice vote. The City Clerk 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 June 6th and June 10th , 2011 as written. Council Member Hollingsworth seconded the motion and the motion to approve both sets of minutes were approved. The motion to approve was done by a voice vote. Ayes: All. Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook made a motion to add item #15 under Roman Numeral IX to authorize the Mayor to sign a noise permit for Carlton's Pizza. Council Member Folsom seconded the motion and the motion to approve was held by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to add Resolution 2011-115, item #7 under Roman Numeral X to allow the changes to apply to the State Contract. Council Member Hollingsworth seconded the motion. Mr. Roy Williams, City Attorney, said the changes may not be needed. The council voted on the changes. Ayes: All. Nays: None.

Council Member Cook made a motion to add Resolution 2011-116, item #8 under Roman Numeral X to participate in the annual sales tax holiday. Council Member Folsom seconded the motion and the motion was added to the agenda. Ayes: All. Nays: 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 - She wanted to announce that Business License Department for the first time has collected over \$2,000,000. The department has done an excellent job this year.

SPECIAL COMMITTEE REPORTS

None

REPORTS OF OFFICERS

Mayor Max A. Townson - Mayor Townson called Reverend Kurtz to the podium. Mr. Townson brought a certificate of recognition to the podium. Reverend Kurtz completed 1,850 holes of marathon golf. Mayor Townson asked him to comment on his recent Guinness World Record. Mayor Townson also made Reverend Kurtz an honorary Cullman Colonel.

Mayor Townson called the Parks & Recreation Director John Hunt and Mr. Chester Freeman to the podium to receive the Quality of Life Award from the Alabama League of Municipalities.

Mr. John Hunt, City Parks and Recreation Director, stated that Cullman will host the 2012, 2013 and 2014 Archery Classic.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None

President Gudger announced the ARC Meeting for June 13th, 2010 was held. There were three favorable recommendations to the Cullman City Council.

The first favorable recommendation was Los Cabos Restaurant for a restaurant liquor license on premise. Council Member Folsom made a motion to approve the request. Council Member Cook seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

The next favorable recommendation was from Five Star Food Mart #2 to serve beer and wine for off premise consumption. Council Member Page made a motion to approve the request. Council Member Folsom seconded motion. Ayes: All. Nays: None.

The last favorable recommendation was from Five Star Food Mart #1 to serve beer and wine for off premise consumption. Council Member Folsom made a motion to approve the request. Council Member Page seconded motion. Ayes: All. Nays: None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

President Gudger asked if Ms. Otero or Mr. Yow from Legal Services of Alabama wished to address the Council? Mr. Moore stated that they had to leave but left documentation for the Mayor and Council concerning the services provided by their company.

Council Member Cook made a motion to approve the request from Mrs. Karen Messersmith to close a portion of Clark Street for her son's wedding which will be held on Saturday, July 23rd, 2011 at 5:00 P.M. Both the Police Chief Culpepper and the Fire Chief Reinhardt could not foresee any problem with the request. Council Member Page seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the following request from Mr. Jeff Adams, Traffic Superintendent, to purchase 30 Christmas Wreaths with LED bulbs for a total of \$12,450. The funds will be transferred from repairs and maintenance. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

President Gudger recognized the Cullman County Representatives of The American Legion.

Council Member Page made a motion to approve the request from Mr. John Hunt, Director of Parks & Recreation, to host the 5-K Midnight Run sponsored by Eva Bank to be held on Friday, August 12th, 2011 at midnight. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Mr. Patrick Allred of Youth Explosion Ignite and to authorize the Mayor to sign a noise permit for Youth Explosion Ignite during the hours of 10:00 a.m. until 9:00 p.m. on Saturday, July 23rd, 2011 at the Cullman County Fairgrounds. Council Member Folsom seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Ms. Robyn Corry to protest on the sidewalk next to McDonald's located at 1425 2nd Ave SW from Noon until 1:00 p.m. on Saturday, July 2nd, 2011 if she agrees to abide by Chief Culpepper's rules and regulations. Council Member Cook seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to table the request from Mr. Junior Heaton, Water & Sewer Superintendent, concerning the New Emergency Water Conservation Plan. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

President Gudger referred the request from Mr. & Mrs. Veal to annex their property located on 166 County Road 1310 located on Lake George to the Planning Commission.

Council Member Page made a motion to approve the request from Mr. Wayne Smith, owner of The Downtown Grill & Wings, LLC, to have draft beer sales at his restaurant because his customers have requested draft beer. Council Member Folsom seconded the motion. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Mr. Larry Jones, Sanitation Superintendent, to purchase a wire welder in the amount of \$1,624 from Apel's Machine of Cullman. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request from Mr. Larry Jones, Sanitation Superintendent, to take bids on ten 30 yard open top roll-off containers for an estimated cost of \$20,000. Council Member Folsom seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Reverend Wood, St. Johns Church, and to authorize the Mayor to sign a noise permit for St. Johns Church during the hours of 10:00 a.m. until 6:00 p.m. on Saturday, August 20th, 2011. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Mr. Jeff Adams, Traffic Superintendent, to take bids on a traffic arm located at the intersection of 2nd and Arnold Street as requested by Jeremy Greer of Sain Associates. Council Member Hollingsworth seconded the motion. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request from Carlton's Restaurant and to authorize the Mayor to sign a noise permit for Carlton's Restaurant during the hours of 6:30 p.m. until 10:30 p.m. on Saturday, July 15th, 2011, but Carlton's Restaurant would have to shutdown the music after 9:00 p.m. if there were several complaints about the noise. Council Member Page seconded the motion. Ayes: All. Nays: None. President Gudger abstained from voting.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

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

RESOLUTION 2011-110

RESOLUTION DECLARING PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN, ALABAMA

BE IT RESOLVED, by the City Council of the City of Cullman as follows:

1. The City Council of the City of Cullman hereby finds and determines that the City is owner of the vehicles described in Paragraph 2 hereof.
2. The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes, said property being described as follows:

- A. 1994 Ford Bronco Truck - Police VIN# 1FMEU15N1RLB25066
B. 1998 Chevrolet Blazer - Admin. VIN# 1GNDDT13W1W2138486

3. The City Council finds and determines that the interests of the City can be best served by sale or disposal of said property.

4. The City Council hereby authorizes the sale or disposal of the above described property for its fair market value.

5. This resolution shall be effective upon its passage as required by law.

ADOPTED this the 27th day of June, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/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 Cook made a motion to adopt the following resolution:

RESOLUTION 2011-111

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO PROJECT AGREEMENT (the “Amendment”) is an amendment to the Project Agreement which was made and entered into by and between the **Amendment 666 Bond Commission of the State of Alabama (the “Commission”)** and the **City of Cullman (the “Recipient”)** on March 25, 2008 **(the “Agreement”)**. All Terms used in this amendment shall have the definitions assigned to them by the Agreement unless otherwise provided herein.

RECITALS

WHEREAS the parties entered into the Agreement described in the first paragraph above; and

WHEREAS, tornado damage in Cullman County in April, 2011 and other extenuating circumstances have made it impractical for the Recipient to complete the Project by the deadline as provided in the Agreement; and

WHEREAS the parties wish to amend the Agreement to give the Recipient additional time to meet such deadline; therefore, the Parties agree to amend the Agreement as follows:

1. Item 5 “Completion Date” of Exhibit A to the Agreement is hereby amended in its entirety to read as follows:

“5. COMPLETION DATE: Not later than June 1, 2012.”

2. Except and only to the extent specifically modified herein, all of the terms and conditions of the Agreement are hereby ratified and confirmed and shall remain in full force and effect. In case of any conflict or inconsistency between the provisions of this Amendment and the Agreement, the terms of this Amendment shall control. The Agreement as amended by this Amendment constitutes the entire agreement and the understanding between the parties with respect to the subject matter hereof and supersedes all other previous and contemporaneous negotiations and agreements between the parties.

WHEREFORE, the parties have executed this Amendment to the Agreement and have caused the Amendment to be executed and delivered by their duly authorized representatives.

ADOPTED, The Cullman City Council agrees with this documentation.

/s/ Garlan E. Gudger, Jr.

President of the City Council

ATTEST:

/s/ Ruth W. Rose

City Clerk

**AMENDMENT 666 BOND COMMISSION
OF THE STATE OF ALABAMA**

CITY OF CULLMAN

By: /s/ David Perry
Secretary

By: /s/ Max A. Townson
Its Mayor

Date: June 27th, 2011

Date: June 27th, 2011

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

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

RESOLUTION NO. 2011-112

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,
WEISS COTTAGE**

WHEREAS, The City of Cullman has heretofore awarded a contract for the clean up of the Weiss Cottage property to the contractor Jim Burke. P. O. Box 1389, Cullman; and

WHEREAS, It has been determined that a change order to the contract is necessary as follows:

Repair decayed wood beam on North side of house with 8X8 treated 8 ft. long
Remove wood siding above beam and re-install

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the Mayor be, and is hereby, authorized to execute Change Order No. 1 now before the Council at an increased amount \$750 of the contract, on behalf of the City of Cullman.

ADOPTED this the 27th day of June, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/s/ Max A. Townson
Mayor

Council Member Folsom 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. 2011-113
Repair Materials for the Water Department
Bid Award

WHEREAS, bids were opened on June 22nd, 2011 at 2:00 pm for repair materials for the City of Cullman Water Department,

WHEREAS, the following bids were opened:

Calhoun Meter Company	Jacksonville, AL	60,773.44
Consolidated Pipe & Supply	Birmingham, AL	61,556.75
Ferguson Water Works	Bessemer, AL	62,093.29
Mainline Supply	Birmingham, AL	64,264.16
H.D. Supply	Birmingham, AL	65,345.05
Vellano Brothers	Lincoln, AL	65,553.61
G & C Water Works	Atwood, TN	65,630.28
Central Pipe Supply	Equality, AL	75,938.13
Empire Pipe & Supply	Birmingham, AL	No Bid

WHEREAS, the recommendation from Johnny J. Heaton, Superintendent for the City of Cullman Water & Sewer Department, is to award the bid to Calhoun Meter Company, the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman that the bid for repair materials be awarded to Calhoun Meter Company at this time.

ADOPTED this the 27th day of June, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/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 Folsom made a motion to adopt the following resolution:

RESOLUTION 2011-114

**RESOLUTION AUTHORIZING MAYOR TO ENTER INTO CONTRACT
WITH THE WALKER COLLABORATIVE OF NASHVILLE, TENNESSEE**

WHEREAS, the City of Cullman is in the process of preparing a historic Architectural Design Guideline for the Central Business District; and

WHEREAS, several architects and planning professionals have offered to provide their services related to developing architectural design guidelines; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to enter into an agreement under the terms as approved.

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 Consulting Services Agreement with The Walker Collaborative group consisting of Mr. Walker, Mr. Covington and Mr. Jones. This group will get historical integrity of the City's downtown area. Further resolves, the Mayor is authorized to enter into an agreement with Mr. Jim Walker, an architect at \$150 per hour. The hourly rate of \$125 per hour for Mr. Covington and Mr. Jones.

APPROVED by the Cullman City Council that the contract is officially accepted.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/s/ 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 Folsom made a motion to adopt the following resolution:

RESOLUTION NO. 2011-115
REIMBURSEMENT RESOLUTION

WHEREAS, on April 27, 2011, the City of Cullman suffered extensive damage from an EF4 tornado spawned by an unusually strong storm system that swept through the Southeastern United States. Such damaged included the destruction of several municipal buildings;

WHEREAS, the City has incurred significant costs associated with the demolition of damaged structures and the clearing and removal of debris resulting from the tornado (the “Debris Removal”);

WHEREAS, the City expects to acquire, construct, renovate, repair, replace, and improve certain of the City’s infrastructure, roadways, and other municipal facilities damaged by the tornado, including the construction of facilities (collectively, the “Capital Improvements”);

WHEREAS, the City expects to acquire and install certain equipment, fixtures, personal property and furnishings (the “Warrant-Financed Equipment” for use by the City in support of its municipal operations;

WHEREAS, the Debris Removal, the Capital Improvements, and the Warrant-Financed Equipment are expected to cost in excess of \$_____ million;

WHEREAS, the City expects to finance a portion of the costs of the Debris Removal, Capital Improvements, and Warrant-Financed Equipment (collectively, the “Capital Expenditures”) through the issuance of tax-exempt bonds or warrants’

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN that it hereby expresses its official intent (i) to issue tax-exempt bonds or warrants in a principal amount not to exceed \$_____ million to pay or reimburse costs for the Capital Expenditures, and (ii) to issue such additional amount of bonds or warrants as may be necessary to fund any required reserve for the bonds or warrants, to pay or reimburse interest expense during the acquisition and construction period for the Capital Improvements (including the interest expense on any interim borrowing for the Capital Improvements), and to pay the costs of financing the Capital Expenditures (including any original issue discount and any premium or fees for credit enhancement). This Resolution is intended to preserve the City’s ability t finance the Capital Expenditures with tax-exempt bonds or warrants by expressing official intent for purposes of Section 1/150-2 of the regulations under the Internal Revenue Code.

APPROVED by the Cullman City Council that the contract is officially accepted.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/s/ 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 adopt the following resolution:

RESOLUTION NO. 2011-116
STATE OF ALABAMA DEPARTMENT OF REVENUE

WHEREAS, the City of Cullman has numerous sales taxes and the outside sales taxes of the City of Cullman; and

WHEREAS, the City of Cullman had a sufficient sales tax base; and

WHEREAS, the City of Cullman had several tax reliefs for the month of August 5-7, 2011 and would like to continue the use of sales tax for August, 2011;

WHEREAS, the City of Cullman expects to continue the sales and use tax for the City of Cullman during the August 5-7, 2011 holiday; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN that it hereby expresses its official intent to propose a sales tax holiday for the City of Cullman on August 5, 2011 (Friday); August 6, 2011 (Saturday) and August 7, 2011 (Sunday).

DONE this the 27th day of June, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 27th day of June, 2011.

/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 Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:45 P.M. by a voice vote. Ayes: All. Nays: None.