

**CULLMAN CITY COUNCIL  
REGULAR MEETING  
June 7<sup>th</sup>, 2010**

Mayor Townson, Council President Gudger, Council Member Page, Council Member Cook, Council Member Hollingsworth and Council Member Folsom met in the Council Chamber at 6:15 p.m. with a review of a letter written by Susan Copeland regarding the ambulance service being provided by CEMS. Mr. Eric Pendley, District Manager of Regional Paramedical Services, Inc. has an interest in being in the City of Cullman providing ambulance services on a rotating basis for 911 calls. This request will be reviewed at a later date.

Fire Chief Reinhardt requested to replace Mike Hackney, Safety and Training Officer, with Brian Bradberry. Mr. Bradberry has almost seven years of service with the City of Cullman. Mayor and Council Members feel Mr. Bradberry is qualified and capable of being in this position.

Mr. Jerry Freeman presented information on property located on Mitchell Road NE owned by Culpepper Cattle Company. This property is not suitable for any purposes needed by the City of Cullman. Mayor Townson said the Cullman Utilities Board may be interested in this property for a new warehouse.

Mayor Townson wanted the Council Members to be aware of a need for a revised Gold or Precious Metal Ordinance. The age limit of sellers and the time frame the pawn shop owners melt the jewelry is at question. The police department have made a request for a review of the ordinance.

Mr. Trent Moore from the Cullman Times was also present for the pre-council meeting.

The Cullman City Council met in regular session on June 7<sup>th</sup>, 2010 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Mayor Max A. Townson 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. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose. Absent - None.

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on May 24<sup>th</sup>, 2010. Council Member Folsom seconded the motion and motion carried on 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 for the meeting on May 24<sup>th</sup>, 2010 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 - 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 - No Report

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

None

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

President Gudger presented a written request from Mr. Derek Dale of the Desperation Church to use Depot Park on Friday, July 23<sup>rd</sup>, 2010. The church will host a family movie night with drinks, snacks, games and inflatables. The event will begin at 5:00 PM and last until around 10:00 PM for an estimated 300 people. Police Chief Culpepper suggested getting Mr. Dale to contact the apartment building residents for their approval. Fire Chief Reinhardt was concerned about the parking and blocking the streets for fire trucks responding to calls. Council Member Folsom made a motion to table this request and ask Mr. Dale to attend the next meeting scheduled for Monday, June 28<sup>th</sup>, 2010 to get a little more information. Council Member Cook seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

A written request for a noise permit was presented by Mr. Matthew W. Carroll of Wicked Lemur.

Mr. Carroll is hosting a concert at Sportsman Lake Park on Saturday, July 31, 2010 from 4:00 PM until 10:30 PM. Police Chief Culpepper said he did talk with Mr. Carroll and thought he would be in attendance tonight. The ending time of 10:30 PM was a concern of the Police Chief

and Council Members. Chief Culpepper said others who have been issued permits were given an ending time of 9:00 PM. Council Member Folsom made a motion to table this request to obtain more information. Council Member Cook seconded the motion and the motion was passed by a voice vote. Ayes: All. Nays: None.

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

Council Member Cook made a motion to adopt the following resolution authorizing the mayor to sign an agreement with CDG Engineers & Associates for engineering fees for the Streetscape Phase II Project. The following resolution was read:

**RESOLUTION NO. 2010-74**

**RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES FOR STREETScape FOR DOWNTOWN CULLMAN U.S. HIGHWAY 31, PHASE II ALDOT Project No. STPTE-TE08 (903)**

WHEREAS, CDG Engineers and Associates has presented the attached proposal to provide professional services related to ALDOT Project No. STPTE -TE08 (903), U.S. Highway 31 Streetscape, Phase II hereafter referred to as the Project; and

WHEREAS, the City has considered the scope of work included in the proposal; 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 and cost should not exceed \$51,255.00 for services.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with CDG Engineers and Associates 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 7<sup>th</sup> day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 7<sup>th</sup> day of June, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 7<sup>th</sup> day of June, 2010.

/s/ Max A. Townson  
Mayor

Council Member Folsom seconded the motion to adopt the resolution. A voice vote of the council members approved the resolution. Ayes: All, Nays: None.

President Gudger explained the next resolution pertains to Streetscape also. The Phase III of the project will begin soon. This is a 80/20% match grant with Alabama Department of Transportation. Council Member Folsom made a motion to adopt the following resolution:

**RESOLUTION NO. 2010-75**

**RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES FOR STREETScape FOR DOWNTOWN CULLMAN U.S. HIGHWAY 278 PHASE III B ALDOT Project No. STPTE-TE09 (968)**

WHEREAS, CDG Engineers and Associates has presented the attached proposal to provide professional services related to ALDOT Project No. STPTE -TE09 (968), U.S. Highway 278 Streetscape, Phase III hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work included in the proposal; 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 and cost should not exceed \$65,600.00 for services.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with CDG Engineers and Associates 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 7<sup>th</sup> day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 7<sup>th</sup> day of June, 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 7<sup>th</sup> day of June, 2010.

/s/ Max A. Townson  
Mayor

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

President Gudger read the next resolution which was for tree services in four locations. Council Member Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2010-76**

**Tree Services on 1104 Second Avenue NE; 707 Scenic Drive NE; Vacant Lot on Corner of 10<sup>th</sup> Avenue and 5<sup>th</sup> Street SE and 8<sup>th</sup> Avenue between 5<sup>th</sup> and 6<sup>th</sup> Street SE  
Bid Awarded for All Four Locations**

WHEREAS, bids were opened on May 28<sup>th</sup>, 2010 at 2:00 pm for Tree Services located on the following four (4) locations:

1. 1104 Second Avenue N.E.
2. 707 Scenic Drive N.E.
3. Vacant Lot on corner of 10<sup>th</sup> Avenue and 5<sup>th</sup> Street, S.E.
4. 8<sup>th</sup> Avenue between 5<sup>th</sup> and 6<sup>th</sup> Street S.E.

for the City of Cullman Arborist and Street Department; and

WHEREAS, the following bids were opened from 3 vendors:

Clemmon's Tree Service	Cullman	1,780.00
Discount Tree Service	Crane Hill	1,900.00
Reeves and Son, LLC	Vinemont	1,950.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Clemmon's Tree Service, the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the bid for the tree service be awarded to Clemmon's Tree Service of Cullman, AL at this time.

ADOPTED this the 7<sup>th</sup> day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

SEAL

APPROVED by the Mayor this the 7<sup>th</sup> day of June, 2010.

/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 which allows Goodwyn, Mills & Cawood, Inc. to provide engineering services for the Cullman Regional Airport. The

Following resolution was read:

**RESOLUTION NO. 2010-77**

**RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES WITH GOODWYN, MILLS & CAWOOD, INC. FOR CULLMAN REGIONAL AIRPORT FOR REVIEW OF APPRAISAL OF REAL PROPERTY**

WHEREAS, **Goodwyn, Mills & Cawood, Inc.** has presented a proposal to provide professional services related to Appraisal and Review of Property Appraisal hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work included in the proposal and is in need of professional engineering and planning services; 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 and not to exceed \$5,000 for total estimated fees.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with **Goodwyn, Mills & Cawood, Inc.** 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 7<sup>th</sup> day of June, 2010.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 7<sup>th</sup> day of June , 2010.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 7<sup>th</sup> day of June, 2010.

/s/ Max A. Townson  
Mayor

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

President Gudger explained that Ordinance 2010-10 was a request for annexation from Jonathan and Frances McKoy of 395 County Road 1435, Cullman, AL 35058. This was the first reading and no official action will be taken on the following Ordinance:

**ORDINANCE NO. 2010-10**

**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**

**Jonathan McKoy and Frances McKoy  
395 County Road 1435  
Cullman, Alabama 35058**

**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:**

**A Part of Lot No. 1 in F.J. Crampton's Addition to the City of Cullman, Alabama, as shown and known on the recorded map of said Addition, more particularly described as follows, to-wit: Beginning at a point on the East line of said Lot, 253 feet Northwest of the Southeast corner of said Lot No. 1; thence running in a Southwesterly direction along the Northwesterly line of the David Barnett line a distance of 406 feet to the South line of said Lot No. 1; thence West along said South line of Lot Number 1 a distance of 300 feet to the Southwest corner of said Lot; thence North along the West line of said Lot Number 1 a distance of 107 feet; thence in an Easterly direction a distance of 610 feet to the East line of**

said Lot Number 1; thence in a Southerly direction along said East line of lot Number 1, 120 feet to the point of beginning. Source of Title/Description: Deed Book 529 Page 655.

**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:

A Part of Lot No. 1 in F.J. Crampton's Addition to the City of Cullman, Alabama, as shown and known on the recorded map of said Addition, more particularly described as follows, to-wit: Beginning at a point on the East line of said Lot, 253 feet Northwest of the Southeast corner of said Lot No. 1; thence running in a Southwesterly direction along the Northwesterly line of the David Barnett line a distance of 406 feet to the South line of said Lot No. 1; thence West along said South line of Lot Number 1 a distance of 300 feet to the Southwest corner of said Lot; thence North along the West line of said Lot Number 1 a distance of 107 feet; thence in an Easterly direction a distance of 610 feet to the East line of said Lot Number 1; thence in a Southerly direction along said East line of lot Number 1, 120 feet to the point of beginning. Source of Title/Description: Deed Book 529 Page 655.

said property 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 — day of June, 2010.

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

Attest:

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

**TRANSMITTED** to the Mayor this the ---- day of June, 2010.

\_\_\_\_\_

**City Clerk**

**APPROVED this the — day of June, 2010.**

---

**Mayor**

This Ordinance will be addressed at the next council meeting.

Council Member Cook made a motion to reappoint Mr. Herbert Arnold to the City of Cullman Park and Recreation Board. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None. Mr Arnold will continue to serve until July 26<sup>th</sup>, 2015.

Council Member Hollingsworth made a motion to adjourn and Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None. The meeting was adjourned at 7:14 PM. The next scheduled meeting date is Monday, June 28<sup>th</sup>, 2010.

---

Garlan E. Gudger, Jr., President  
Cullman City Council

---

Ruth W. Rose. City Clerk

