

CULLMAN CITY COUNCIL
REGULAR MEETING
March 28th, 2011

The Mayor and Council Members met prior to the council meeting and discussed traffic problems on Convent Road intersection with highway 278 East. The turn lane gets very backed up and the traffic bottle necks. President Gudger suggested getting ALDOT to do a traffic study and Mayor Townson agreed to contact the State of Alabama for help or suggestions.

President Gudger asked Attorney Roy Williams to check the regulations and requirements for taxi services in the City of Cullman.

President Gudger invited the group to a tour of loft apartments on April 18 or April 19, 2011. A group from Decatur will tour the apartments.

The Planning Commission met and gave a favorable recommendation for re-zoning the Cullman Municipal Golf Course from R-1 to AG-1. A public hearing is scheduled for Monday, April 4th, 2011 at 7:00 P.M.

President Gudger called the Cullman City Council Meeting to order at 7:00 P.M. Fire Chief Reinhardt 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 Johnny Cook, Council Member Andy Page, Council Member Jenny Folsom and Council Member Clint Hollingsworth. Also present were City Attorney Roy Williams, City Clerk Ruth W. Rose and Wes Moore.

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on March 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 March 11th, 2011 and Council Member Folsom seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom made a motion to delete item #12 under Roman Numeral IX at the request of the church using another location for the Easter Egg Hunt. Council Member Hollingsworth seconded the motion. The item was deleted by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to add item #14 under Roman Numeral X - Resolution 2011-80 for reimbursement for a payment of loan to Compass Bank for the Cullman Municipal Airport. Council Member Page made a second to the motion and the item was added by a voice vote. Ayes: All. Nays:

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 - Mayor Townson wanted to remind all the citizens when they see city water fountains with blue colored water it represents the bruised and battered children. The City of Cullman will support the efforts of Mr. Javon Daniel, Director of Cullman Caring for Kids, who will have people with signs on the sidewalk on Friday, April 1, 2011. The signs will read "Enough is Enough" and this week is child abuse awareness week. Mayor Townson encouraged all citizens to support this project.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to adopt the new federal requirements for the City of Cullman Nationwide Retirement 457 Deferred Compensation Plan for the employees. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said the next request for property owned by Mr. Nate Harvell to be re-zoned from R-3 to B-2 will be forwarded to the planning commission for review.

Council Member Cook made a motion to deny the request for annexation of the Cullman Bowling Center because it does not meet the criteria and does not qualify. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve a public hearing for Ranjan Patel of Krussi, Inc to re-zone property located at Lot-9 Broadway/Cherokee Avenue. The request is to change from the current zoning of B-3 to be zoned B-2. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None. A public hearing date will be set and notification of the ordinance will be published.

President Gudger said the request from Jeffrey W. Thomas and Alena Thomas to declare property adjoining their property as surplus property. The Planning Commission made a recommendation to keep the property because several city department heads expressed concerns for location of utilities and the need for access to other property. Council Member Folsom made a motion to deny the Thomas request and retain the property

for the City. Council Member Cook seconded the motion and the request was denied by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve a request from Fire Chief Reinhardt to pay the fire fighters \$500.00 each (total of \$16,500.00) for passing the physical agility test. Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from David Wiggins, Principal of East Elementary School, to host a community celebration on April 30th, 2011. The 5-K Run will begin at 8:00 A.M. and the one mile walk will begin at 9:00 A.M. Council Member Folsom seconded the motion. President Gudger asked Chief Reinhardt to look over the request and get the Mayor to give final approval. The motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request made by Rick Henry, Street Superintendent, to go out for bids for a backhoe/loader and bids for asphalt materials. Council Member Cook seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Junior Heaton, Water and Sewer Superintendent, to purchase a 2004 580 Super M Case backhoe from the Cullman County Commission in the amount of \$35,000. Council Member Folsom said the needed funds would be a line item transfer in the budget. Council Member Hollingsworth seconded the motion and the approval was made by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Mr. Keith D. Johnson to purchase an alcohol license to sell beer and wine for off premise consumption. The ARC Board gave a favorable recommendation after the public hearing. Council Member Folsom seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None. President Gudger asked Wes Moore how many licenses have been issued? Mr. Moore said around 25 have been issued and around 45 applications have been made. The ABC Officers are working on several at this time for state approval.

Council Member Cook made a motion to approve the request from Junior Heaton, Water and Sewer Superintendent, to go out for bids for materials to replenish stock in the sewer department. Council Member Folsom seconded the motion and 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 adopt the following Resolution:

RESOLUTION NO. 2011-69 AWARDING OF BID FOR NORTH OUTFALL PUMP STATION REPAIRS CONTRACT NO. CUEC 2706

WHEREAS, bids were opened on Tuesday, February 22nd, 2011 for Repairs for the North Outfall Pump Station operated by the City of Cullman Waste Water Treatment Plant; and

WHEREAS, the following 6 vendors submitted their respective bids:

1. Mark Johnson Construction, LLC	Tuscaloosa, AL	\$823,500.00
2. Reynolds, Inc./John Reynolds & Sons	Fairburn, GA	849,949.00
3. Haren Construction Co. Inc.	Etowah, TN	921,000.00
4. Advance Tank & Construction Co. Inc.	Pell City, AL	989,000.00
5. Global Construction & Engineering Inc.	Birmingham, AL	1,122,000.00
6. Apel Machine & Supply Co., Inc.	Hanceville, AL	1,158,600.00

WHEREAS, the recommendation from Mr. Dave B. Bechtel, Project Manager for Utility Engineering Consultants, LLC , is to award the bid to the lowest bidder, Mark Johnson Construction, LLC of Tuscaloosa, Alabama, subject to the approval by ADEM.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to Mark Johnson Construction, LLC of Tuscaloosa, AL at this time subject to the approval by ADEM.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

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

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

**RESOLUTION NO. 2011 - 70
WEISS COTTAGE REPAIR
Bid Award BID #R-01597**

WHEREAS, bids were opened on February 14th , 2011 at 2:00 pm for repairs for the Weiss Cottage;
and

WHEREAS, the following bids were opened:

Jim Burke	\$10,875.00
Bill Hendrix	No Response
Horizon Contracting	No Response
North Alabama Builders	No Response
Dennis Guthrie	No Response
Steve Schwaiger	No Response
Greg Allred Construction	No Response

WHEREAS, the recommendation from Elaine Fuller, Museum Curator, is to award the bid to Jim Burke, the only bidder to quote and meet the specifications..

BE IT RESOLVED by the City Council of the City of Cullman that the bid for repairs made to the Weiss Cottage be awarded to Jim Burke at this time.

ADOPTED this the 28th day of March, 2011.

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

Attest:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 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 2011-71
Municipal Water Pollution Prevention (MWPP) Program**

BE IT RESOLVED that the City Council of Cullman, Alabama informs the Department of Environmental Management that the following actions were taken by the Cullman City Council:

1. Reviewed the MWPP Annual Report which is attached to this resolution
2. Set forth the following actions and schedule necessary to maintain effluent requirements

contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:

- (a) Continue Five-Year Planning for Wastewater and Sewer.
- (b) Continue Proposed Improvements.
- (c) Continue Annual Smoke Testing, Video Inspection and Point Repairs
- (d) Continue Current Manhole Survey.

ADOPTED by a unanimous vote of the Cullman City Council on March 28th, 2011.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this the 28th day of March 2011.

/s/ Max A. Townson, Mayor, City of Cullman

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 adopt the following resolution:

RESOLUTION NO. 2011 - 72
Repair Materials for the Water Department
Bid Award For Bid R-01602

WHEREAS, bids were opened on March 21st, 2011 at 2:00 pm for repair materials for the City of Cullman Water Department,

WHEREAS, the following bids were opened:

G & C Water Works	Atwood, TN	39,390.04
Ferguson Water Works	Bessemer, AL	39,719.36
H.D. Supply	Birmingham, AL	39,999.54
Calhoun Meter Company	Jacksonville, AL	39,979.56
Vellano Brothers	Lincoln, AL	40,809.43
American Pipe & Supply	Birmingham, AL	45,299.99
Empire Pipe & Supply	Birmingham, AL	No Bid
Consolidated 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 G & C Water Works, of Atwood, TN the lowest bidder.

BE IT RESOLVED by the City Council of the City of Cullman that the bid for repair materials be awarded to G & C Water Works at this time.

ADOPTED this the 28th day of March, 2011.

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

Attest:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2010-73
WIRELESS DETECTION SYSTEM
Bid Awarded For Bid R-01600

WHEREAS, bids were opened on March 21st, 2011 at 2:00 p.m. for a Wireless Detection System for the City of Cullman Traffic Department, and

WHEREAS, the following bid(s) were opened:

Temple Inc. Decatur, AL \$3,230.00

WHEREAS, the recommendation from Mr. Jeff Adams, Waste Water Treatment Plant and Traffic Superintendent is to award the bid to Temple, Inc., the lowest bidder and only bidder meeting the bid specifications.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the bid for the Wireless Detection System be awarded to Temple, Inc. at this time.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

Council Member Cook Seconded the motion. President Gudger asked Mr. Jeff Adams, Traffic Superintendent where the system would be installed? Mr. Adams stated on Eva Road near Cullman High School. 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. 2010-74
TRAFFIC SIGNAL CONTROLLER WITH MMS
Bid Awarded For Bid R-01601**

WHEREAS, bids were opened on March 21st, 2011 at 2:00 p.m. for a Traffic Signal Controller with

MMS for the City of Cullman Traffic Department, and

WHEREAS, the following bid(s) were opened:

Temple Inc. Decatur, AL \$2,812.00

WHEREAS, the recommendation from Mr. Jeff Adams, Waste Water Treatment Plant and Traffic Superintendent is to award the bid to Temple, Inc., the lowest bidder and only bidder meeting the bid specifications.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the bid for the Traffic Signal Controller with MMS be awarded to Temple, Inc. at this time.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

Council Member Hollingsworth seconded the motion. Council Member Folsom asked Mr. Jeff Adams if this would be installed at the same location on Eva Road? Mr. Adams stated the controllers would be installed where needed. The resolution was passed by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2011-75

RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL

**SERVICES WITH GOODWYN, MILLS & CAWOOD, INC. FOR RUNWAY EXTENTION
JUSTIFICATION STUDY FOR AIRPORT**

WHEREAS, **Goodwyn, Mills & Cawood, Inc.** has presented a proposal to provide professional services related to providing a study for a runway extension for the Cullman Regional Airport hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work included in the proposal and the lump sum fee of \$27,000 to complete the runway extension feasibility study; 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.

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 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

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 adopt the following resolution:

RESOLUTION NO. 2011-76

**RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL
SERVICES WITH GOODWYN, MILLS & CAWOOD, INC. FOR SURVEYING, GEOTECHNICAL
INVESTIGATION AND CIVIL ENGINEERING FOR AIRPORT**

WHEREAS, **Goodwyn, Mills & Cawood, Inc.** has presented a proposal to provide professional services related to providing Surveying, Geotechnical Investigation and Civil Engineering Services for the Cullman Regional Airport hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work included in the proposal and the total fee of \$17,600 to complete the requested information; 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.

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 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

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

Council Member Folsom made a motion to adopt the following Resolution stating the 57,000 square ft expansion will create 20 new jobs and the tax abatement does not include educational taxes:

RESOLUTION 2011-77

This Resolution is made this **28th** day of **March , 2011** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Alabama Cullman Yutaka Technologies (ACYT)** (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or **XX** major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

X all state and local noneducational ad valorem taxes,

X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

X all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$ 5,000,000** ; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

X all state and local noneducational ad valorem taxes,

X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

X all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the **City of Cullman, Alabama** of Alabama at a meeting held on the **28th** day of **March, 2011** .

Adopted this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Approved by the Mayor this 28th day of march 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 Cook made a motion to approve the following resolution:

RESOLUTION NO. 2011-78

RESOLUTION AUTHORIZING CHANGE ORDER No. 1 FOR GARAGE BUILDING CONTRACT WITH REIDCO GENERAL CONTRACTING

WHEREAS, Jock Leonard, Architect for Leonard Design, PC has requested a change in the scope of work for the contractor Dennis Reid of Reidco General Contracting, Inc.; and

WHEREAS, the City has considered the request for additional dirt work, concrete, installation of a 12'X14' rolling door, demolition of a concrete pier and running a 4" conduit from the police department for communications; and

WHEREAS, the City Council finds that it is in the best interest of the City to modify the contract in the amount of \$20,635.00.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute a change order for the project.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 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 Folsom made a motion to adopt the following resolution:

RESOLUTION 2011-79
Tree Services on 7th Street Sw
Bid # R-01604

WHEREAS, bids were opened on March 25th, 2011 at 2:00 pm for Tree Services located on 313 7th Street SW for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 4 vendors:

Burk's Tree Service	Hanceville	\$600.00
Discount Tree Service	Crane Hill	700.00
Keller's Tree Service	Cullman	565.50
Reeves and Son, LLC	Vinemont	645.00
B & H Tree Service	Bremen	1,390.00

WHEREAS, the recommendation from Darrell Johns, Arborist for the City of Cullman is to award the bid to Keller's Tree Service of Cullman, AL 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 Keller's Tree Service of Cullman, AL at this time.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

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

Council Member Cook made a motion to suspend the rules in order to take immediate action on the ordinance.

Council Member Hollingsworth seconded the motion. The Clerk polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. President Gudger said now the council could entertain a motion to adopt.

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

ORDINANCE NO. 2011-14

**AN ORDINANCE AMENDING THE PROCEDURE
FOR THE CITY COUNCIL AND MAYOR APPOINTING
DEPARTMENT HEADS, SUPERINTENDENTS,
BOARD MEMBERS OR OTHER OFFICERS**

OF THE CITY OF CULLMAN

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

SECTION I. Section V of Ordinance 2009-01-A establishing the procedure for the City Council and Mayor appointing department heads, superintendents, Board Members or other Officers of the City of Cullman is hereby deleted and the following new Section V is hereby adopted and added which reads as follows:

SECTION V. The following officers, Board Members, and offices shall be appointed by the Mayor of the City of Cullman to serve during the term of the Mayor or in accordance with the statute or ordinance creating said position:

- A. Assistant to the Mayor to serve during the term of the Mayor;
- B. Secretary to the Mayor to serve during the term of the Mayor;
- C. Auditor- annually
- D. Planning Commission members other than the Council Member appointee for a term of six (6) years pursuant to the current term expiration and until their successors are appointed;
- E. Members of the Cullman Housing Authority Board of Commissioners for terms of six (6) years pursuant to the current term expiration and until their successors are appointed;
- F. Appointment of other officials, board members, chiefs, department heads or superintendents

Any officer, department head, superintendent, or other board member not specifically designated as an appointee of the Council as stated in Sections I, II, III, and IV of this Ordinance shall be an appointee of the Mayor unless the ordinance, resolution, or State statute creating such position within the City government states otherwise.

- G. Assistant Chief of Police

The Assistant Chief of Police shall no longer be a merit system employee

pursuant to Title 11-43-187 and shall be an exempt employee. The status of this position shall change immediately upon the passage of this Ordinance.

Appointees under Section V - A, B, and E shall serve at the pleasure of the Mayor subject only to those rules and regulations of the merit system, personnel policies of the City of Cullman, or the Code of Alabama, 1975, as amended.

Any appointment of the Mayor under this Section V that receives compensation from the general fund appointment is subject to funding by the City Council.

SECTION II. Conflict with other Ordinances, Qualifications, and Terms.

A. Appointees and board members designated in Sections IV and V shall serve for the term(s) as set out in this Ordinance unless the statute or Ordinance creating such board official or position is in conflict then the statute or Ordinance creating such Board term(s) shall apply.

B. Nothing herein shall be construed to alter or amend the rights of any employee covered under the merit system, Personnel Policies of the City of Cullman, or the Code of Alabama, 1975, as amended.

C. Qualification for appointment as set out in this Ordinance shall be in accordance with the State laws and the Ordinances creating said Board or position or office.

SECTION III. Severability Clause.

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

SECTION IV. Effective Date.

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED this the 28th day of March, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 2011.

/s/ Max A. Townson
Mayor

Council Member Page seconded the motion and the Ordinance was adopted by a voice vote. Ayes: All. Nays: None. The Ordinance will be published as required by law.

Council Member Cook made a motion to table Ordinance 2011-16 Annexation of Hays Property located at 2100 Main Avenue SW. Council Member Hollingsworth seconded the motion and the ordinance was tabled by a voice vote. Ayes: All. Nays: none.

President Gudger asked Mayor Townson to explain the reason for the reimbursement resolution for the Cullman Airport. Mayor Townson explained this will save the City of Cullman and Cullman County funds paid in interest and the City of Cullman will be reimbursed when the next loan is issued for the airport. Council Member Cook made a motion to approve the following resolution:

RESOLUTION NO. 2011-80

**RESOLUTION AUTHORIZING AND APPROVING A REIMBURSEMENT
FOR THE PAYMENT OF LOAN ISSUED BY A GENERAL OBLIGATION WARRANT TO
COMPASS BANK FOR THE CULLMAN AIRPORT ON MARCH 29, 2004**

WHEREAS, Compass Bank issued a General Obligation Warrant on March 29, 2004 in the amount of \$372,000 and payments of \$2,500 per month have been made on a timely manner for the Cullman Airport; and

WHEREAS, the City has considered this to be in the best interest of the City of Cullman and Cullman County Commission to pay the balance of this warrant in full which is \$229,013.34 with an

understanding the funds due the City of Cullman will be reimbursed when a loan is secured for a future Cullman Airport project; and

WHEREAS, the City Council finds that it is in the best interest of the City to advance payment to prevent paying higher interest rates and secure a combined loan at a better interest rate for the Cullman Airport.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to issue a check for pay off of general obligation warrant which is due April 1, 2011.

ADOPTED this the 28th day of March , 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of March, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of March, 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. Mayor Townson thanked the City Council for the support of the Cullman Airport. The Mayor also invited everyone to the air show which will be held on Saturday, May 21st, 2011. The admission is free and also free parking will be provided. This is also armed forces day and the airport celebration will be a huge event.

Council Member Hollingsworth made a motion to adjourn and Council Member Cook seconded the motion. The meeting was adjourned at 7:25 P.M. by a voice vote. Ayes: All. Nays: None.