

**CULLMAN CITY COUNCIL
REGULAR MEETING
May 10th, 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 6:00 p.m. The recent fire of April 27th, 2010 was discussed. Mayor Townson asked the Council Members to consider getting a new building for the City Garage started as soon as possible. The building was damaged in the fire but CiviCon agreed to help demolish the damaged area and place a temporary wall to protect the remaining portion of the building. The Street Department and Sanitation Department will help with the work on the building. Mr. Jerry Freeman gave a written report with a price quote for removing the asbestos in the administrative building on the Greif Property. The price of \$5,500 was quoted by Mr. Warren Renshaw of Alabama Abatement. Mayor Townson suggested getting other price quotes before any action is taken.

A copy of the recently filed lawsuit with the newly formed GUS Water Board was reviewed. Mr. Jerry Parker, a candidate for Associate Commissioner, Place #2, was present and gave an update of the 1:00 p.m. public meeting of the board. He estimated 60-65 people were present.

Mr. Delton Blalock from the Cullman Tribune and Mr. Roy Williams, City Attorney were also present for the pre-council meeting.

The Cullman City Council met in regular session on May 10th, 2010 at 7:00 o'clock p.m. in the Lucille N. Galin Auditorium. Council President Garlan Gudger called the meeting to order and Police Chief Culpepper 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 April 26th, 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 April 26th, 2010 and Council Member Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom requested to add item #7 under Roman Numeral X, a resolution to authorize Mayor Townson to sign an agreement with a firm to draw specifications for a new City Garage Building. Council Member Cook seconded the motion and motion was approved by a

voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - No Report.

Council President Garlan Gudger - Fire Committee - President Gudger asked Chief Reinhardt to give a report of the fire on April 27th, 2010 that destroyed one building and damaged another on the Greif Brothers Property. Chief Reinhardt appreciated the help with the extra staffing and being able to utilize the ladder truck along with the pumper trucks. A 75% participation of firefighters and help from all other city departments such as Street, Water and Sanitation was very much appreciated. The Cullman County EMS and EMA were also very supportive.

Council Member Johnny Cook - Sanitation Committee - No Report.

Council Member Clint Hollingsworth - Street Committee - No Report.

Council Member Jenny Folsom - Finance Committee - A Finance Committee was held on May 6th, 2010 at 11:30 a.m. The first six months of the fiscal year were reviewed. The first quarter was down around 8% and the second quarter was near 1% for an average of the six month period being around 5%. She stressed the City of Cullman was cutting spending and not cutting services. Several projects are completing such as Lee Avenue and West Main paving projects, traffic lights for #278 and #31 and Lee and Cherokee, Phase I of Streetscape, and Greif Brothers Property Renovations. All debt service payments have been made on time. A recent upgrade from Standard and Poor's being moved up to a AA- from A+ gave a good report of the city's financial stability. Council Member Folsom praised the department heads for helping to be very conservative and staying within a very tight budget. She informed the attendees that Wesley Moore, Accountant, had a very detailed report if anyone was interested.

SPECIAL COMMITTEE REPORTS

None

REPORTS OF OFFICERS

Mayor Max A. Townson - He wanted to express his appreciation to the Department Heads and employees for helping keep the budget in balance. He acknowledged the City Council for the hard work in preparing a budget and keeping the reserve balance that in turn helped get the new rating from Standard and Poor's. He sent his condolences to the family of Coach Oliver Woodard who passed away this past weekend. He asked everyone to remember the family and stated what a positive impact Coach Woodard had made on the City of Cullman and Cullman High School. He loved education and Cullman High School. Mayor Townson acknowledged a special group of young men present tonight. Sacred Heart Scout Troop #321 members and scout leaders are present. Mayor Townson asked Scout Master Phillip Presto to come to the podium. Mr. Presto explained the group of scouts have never attended a city council meeting and this was a requirement to obtain a merit badge. President Gudger thanked them for their attendance.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Jerry Parker, Candidate for County Commissioner, Place #2, came to the podium and expressed his concern for the desire to restore a positive relationship between the City of Cullman and Cullman County. He feels the importance in working together with the City of Cullman for the betterment of Cullman County. He noted Mayor Townson said "Cullman is not an island, it is a part of Cullman County". This is so true, we all need to work together for the benefit of all citizens. Please go to vote on June 1st, 2010.

Mr. Stanley Yarbrough, Candidate for County Commissioner, Place #2, came before the audience to request your vote in the June 1st primary. He wanted to strengthen the recruitment for new industries and get more jobs for our citizens. He said water plays a very important role in recruiting new industries. He will support the City of Cullman in the Duck River Project.

President Gudger thanked both candidates for publicly supporting the Duck River Project.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Mr. Perry Macon, Partnership Specialist, U.S. Census Bureau, came to discuss the City of Cullman's participation rate. He was very pleased with the 74% mail in ratio but now the mail back period has ended and he encourages all residents to "Open the Door". The census workers will be wearing a badge and only ask the 10 questions on the application. Mr. James Roberson also came to encourage all residents to participate. The State of Alabama is at 72% but Mayor Townson wanted the City of Cullman to reach the 84% percentile or higher. Mayor Townson asked the Cullman Times and Cullman Tribune to help get the word out about the importance of the count to establish a tax base and other economic advantages.

Mr. Shane Quick of Premier Productions requested a noise permit for the annual YouthQuake. It is scheduled for Saturday, October 16th, 2010 at the Cullman County Fairgrounds. The event will begin at noon and end by 9:00 p.m. Mr. Quick is keeping the cost down to \$10 per ticket and has a very good group of bands scheduled to perform. The stage will be turned differently and the noise will not go in the direction of Moss Funeral Home. President Gudger asked Fire Chief Reinhardt and Police Chief Culpepper for their consent. Chief Culpepper said he would have some complaints but the publicity of the event may help people understand the importance of the event for the youth of Cullman County. This event has such a positive impact on the youth.

Council Member Cook made a motion to approve the request and Council Member Hollingsworth seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

A request from Mr. And Mrs. Jonathan McKoy for annexation was referred to the City of Cullman Planning Commission. The City Council will review after the planning commission makes a recommendation back to the council.

A motion to approve the request for a new printer for the Economic Development Office was made by Council Member Folsom. The estimated cost of \$700.00 was reviewed by Mr. Daniel Hunt. Council Member Cook seconded the motion and 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 for the Waste Water Treatment Plant and Sewer Departments for compliance with ADEM. The following was read:

**Resolution 2010-65
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.
 - © 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 May 10th, 2010.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this the 10th day of May, 2010.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this the 10th day of May, 2010.

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

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

President Gudger asked Attorney Roy Williams to explain the next resolution. Mr. Williams explained the fire damaged building had no value or purpose for the City of Cullman. CiviCon, LLC offered to remove the damaged part of the building while they are working on site. Council Member Cook made a motion to adopt the following resolution:

RESOLUTION 2010-66

RESOLUTION DECLARING PROPERTY DAMAGED IN THE FIRE AS 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 damaged building on Grief Property described in Paragraph 2 hereof.
 2. The City Council of the City of Cullman finds that the building was damaged in the fire that was planned to be the new city garage. This building had such damage that could not be repaired and has no value to the City of Cullman. Civicon agreed to demolish this building while on the job site completing an awarded bid for no charge; and
 3. The City Council finds and determines that this damaged building is not needed by the City of Cullman for public or municipal purposes, said materials left to be salvage is negligible; and
 4. The City Council finds and determines that the interests of the City can be best served by the demolition of said property.
 5. The City Council hereby authorizes Mayor to enter into a contract with CiviCon to demolish the above described property for its recyclable materials, if any, and no other consideration.
 6. This resolution shall be effective upon its passage as required by law.
- ADOPTED this the 10th day of May, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

TRANSMITTED to the Mayor this the 10th day of May, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 10th day of May, 2010.

/s/ Max A. Townson
Mayor

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

President explained the next authorization for bids would be funded by State Revolving Funds.
Council Member Page made a motion to adopt the following resolution:

RESOLUTION NO. 2010-67

**RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL
SERVICES FOR INDUSTRIAL WATER AND SEWER LINES AT
GOLF COURSE ROAD AND AUSTIN AVENUE**

WHEREAS, **Utility Engineering Consultants, LLC** has presented a proposal to provide professional services related to Water and Sewer Line Extensions at Golf Course Road and Austin Avenue Gravity Sewer Repairs hereafter referred to as the "Project"

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

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is
hereby authorized to execute an agreement with **Utility Engineering Consultants, LLC** 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 10th day of May, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 10th day of May, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 10th day of May, 2010.

/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 Cook made a motion to adopt a resolution to award a bid to Southland
International Trucks for a knuckle boom truck for the Sanitation Department. Council
Member Cook explained the majority of the funds to purchase the truck came from insurance
proceeds from a wrecked garbage truck. The department needed a boom truck more than a
garbage truck at this time. The following Resolution was read:

RESOLUTION NO. 2010-68

AWARDING OF BID FOR SANITATION KNUCKLE BOOM LOADER

WHEREAS, bids were opened on Thursday, May 6th, 2010 for a 2011 Truck and Knuckle Boom Loader for the Sanitation Department, and

WHEREAS, the following 6 vendors submitted their bids :

Southland International Trucks	\$96,000.00
Sansom Equipment	96,565.00
Neely Coble Company	103,521.00
Long Lewis Ford of the Shoals	108,777.50
Ingram Equipment Company	No Bid
Liberty Truck Sales	No Bid

WHEREAS, the recommendation from the Sanitation Department Supervisor, Larry Jones, is to award the bid to the lowest bidder, Southland International Trucks.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to Southland International Trucks of Birmingham, AL at this time.

ADOPTED this the 10th day of May, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 10th day of May, 2010.

/s/ Max A. Townson
Mayor

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

Council Member Folsom made a motion to adopt a resolution for Tax Abatement for Keystone Automotive (BEAF Properties). The following resolution was read:

RESOLUTION 2010-69

This Resolution is made this **10th** day of **May, 2010** (the Effective Date)

by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **BEAF Properties L.L.C.** (the Company).

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

XX new project or 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 non-educational 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 **\$2,415,000** ; 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):

- all state and local non-educational ad valorem taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- 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 **10th** day of **May, 2010**.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this 10th Day of May 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this 10th Day of May 2010.

/s/ Max A. Townson
Mayor

Council Member Cook made a second to adopt the Resolution and the Resolution was passed by a voice vote. Ayes: All. Nays: None.

President Gudger noted the next item to consider was an ordinance to vacate a portion of easement for Kress Park Subdivision and POB III. Mr. Junior Heaton, Water and Sewer Superintendent said there were no active sewer lines on this property. Mr. Rick Fulmer, Building Inspector, said this is common to vacate the easement when no needed. In order to take action tonight, since this is the first reading of the ordinance, the rules will have to be suspended. Council Member Cook made a motion to suspend the rules and Council Member Folsom seconded the motion and 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. Nays: None.

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

ORDINANCE NO. 2010-09

**AN ORDINANCE VACATING A PORTION OF EASEMENT
OF KRESS PARK SUBDIVISION
PLAT CABINET 2004 PAGE 3**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, SITTING IN REGULAR SESSION ON THIS THE 10th DAY OF May, 2010, AS FOLLOWS:

Section 1: The City Council of the City of Cullman, Alabama finds that an application has been presented to the City of Cullman requesting: **Vacation of a portion of that certain 15 foot wide easement as shown on that recorded plat of Kress Park Subdivision in Plat Cabinet 2004 Page 3;** that the applicant has represented to the City of Cullman that **The Healthcare Authority of Cullman County, Alabama**, is the owner of all of the property adjacent to that certain 15 foot wide easement; and that said easement or portion being vacated is not presently used and is no longer needed for public or municipal purposes; that the said vacation does not interrupt public utilities or required storm drainage access to any areas served by the City of Cullman; and that the easement covering the above described property is excessive to the need of the City of Cullman in and about the maintenance and provision of public utilities or storm drainage.

Section 2: Pursuant to the findings in Section 1 here in above, the Mayor of the City of Cullman, Alabama, is hereby authorized, requested and directed to execute this Ordinance vacating that portion of the 15 foot easement described as **being that 15 foot easement on the West side of Lot 3 of Kress Park Subdivision and the South side of Lot 3 of Kress Park Subdivision, recorded in Plat Cabinet 2004 Page 3, Office of the Judge of Probate, Cullman County, Alabama, situated in the City of Cullman, Alabama.**

READ, PASSED, AND ADOPTED this the 10th day of May, 2010.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

APPROVED this the 10th day of May , 2010.

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

Council Member Cook seconded the motion and the Ordinance was adopted by a voice vote. Ayes: All. Nays: None. The Ordinance will become effective when published as required.

President Gudger said the next item added to the agenda tonight would authorize the Mayor to sign an agreement with a local architect to design the new city garage. Council Member Cook made a motion to adopt the following resolution:

**RESOLUTION 2010-70
AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF
CULLMAN AND A LOCAL ARCHITECT TO DESIGN CITY GARAGE BUILDING**

WHEREAS, the Cullman City Council authorizes the Mayor to sign an agreement with a local architect to design a new city garage building; and

WHEREAS, the Cullman Council are aware of the condition of the current City Garage building; and

WHEREAS, the City Council deems it appropriate to provide funds to a local architect to design a suitable and useable building.

THEREFORE, BE IT RESOLVED by the City Council that the Mayor is hereby authorized to execute the agreement with a local architect firm now before this Council on behalf of the City of Cullman.

ADOPTED this the 10th day of May, 2010.

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

ATTEST

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 10th day of May, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 10th day of May, 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.

President Gudger noted his son, Tripp was asleep on the front row in the audience, so Council Member Cook said it must be time to adjourn. Being no further business to discuss, Council Member Hollingsworth seconded the motion and by a voice vote the meeting was adjourned at 7:42 p.m.

