

CULLMAN CITY COUNCIL  
SPECIAL MEETING  
May 18<sup>th</sup>, 2011

President Gudger called the Cullman City Council Meeting to order at 5:30 P.M. Chief Junior Reinhardt presented the invocation.

A roll call by Mr. Wesley Moore 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 and Wesley Moore.

President Gudger stated that the Council has no minutes to consider at this time.

ADDITIONS/DELETIONS TO AGENDA

None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No Report.

Council President Garlan Gudger - Fire Committee - President Gudger asked Fire Chief Reinhardt to give an update. Fire Chief Reinhardt said the ladder truck is back in service.

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 stated that the Wings over Cullman Air Show at the Cullman Regional Airport will be on Saturday May 21<sup>st</sup>, 2011 from 9:00 a.m. to 4:00 p.m. He mentioned that donations for tornado victims can be made to Cullman United Way and Red Cross of Cullman at the gate of the Cullman Air Show. He stated that the Air Show's Aerobatics will begin at noon and end around 2:00 p.m. on Saturday. Mayor Townson also wanted to wish the Cullman Bearcats Baseball Team a safe trip to Montgomery for the 5A State Championship and good luck Bearcats.

President Gudger announced the public hearing at noon on Friday in the City Hall Auditorium to provide information about the Clean Sweep Program.

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

Ricky Kreps, 130 Meadowview Circle NE, asked if trees and stumps on private property would be included in Clean Sweep. Council Member Cook stated that the property owner must complete a right of entry for private property work. City Attorney Roy Williams said that the root ball must be exposed over fifty percent to qualify for Clean Sweep. Mayor Townson mentioned that if the root ball of the tree was removed that it would be back filled with dirt. Council Member Hollingsworth stated that citizens must be registered with FEMA to participate in Clean Sweep.

Jane Errett with 6 acres in the city limits asked if Clean Sweep would cover debris removal on her entire property. Attorney Williams stated that Clean Sweep will only cover private property clean up around the house not the entire 6 acres. Council Member Folsom stated that Ms. Errett could move the debris to the right-of-way to be picked up by FEMA which would reduce Ms. Errett's debris removal costs.

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

Council Member Cook made a motion to adopt the following resolution asking the Cullman County Legislative Delegation to introduce a statewide bill allowing the formation of a watershed management authority:

### **RESOLUTION NO. 2011-99 SUPPORTING A WATER SUPPLY RESERVOIR WATERSHED MANAGEMENT AUTHORITY**

WHEREAS, a bill has been drafted authorizing the creating of a Water Supply Reservoir Watershed Management Authority that encompasses less than 50 square miles; and

WHEREAS, the City of Cullman wishes to encourage our legislative delegation to support the legislation which would assist the new Water Reservoir Project in Cullman County;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the City of Cullman hereby encourages its legislature delegation and the House of Representatives and the Senate to pass at the earliest possible time being either in the regular session or in a special session, a bill authorizing the Water Supply Reservoir Watershed Management Authority as currently drafted allowing said Authority to be formed within a single county and in an area encompassing less than 50 square miles.

ADOPTED this the 18<sup>th</sup> day of May, 2011.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 18<sup>th</sup> day of May, 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 suspend the rules to consider the ordinance to allow temporary trailer or mobile homes in residential districts for no longer than six months pending approval by the Chief Building Inspector Rick Fulmer and Mayor Townson.

Council Member Hollingsworth seconded the motion to suspend the rules to consider the ordinance. President Gudger asked Mr. Moore to poll the Council: 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 made a motion to adopt the following ordinance to allow temporary trailer or mobile homes in residential districts for no longer than six months pending approval by the Chief Building Inspector Rick Fulmer and Mayor Townson:

## **ORDINANCE NO. 2011-20**

### **AN ORDINANCE REGARDING THE EMERGENCY POWER OF MAYOR AND CITY COUNCIL RELATING TO THE DISASTERS WITHIN THE CITY OF CULLMAN AND THE ZONING ORDINANCE OF THE CITY OF CULLMAN**

BE IT ORDAINED by the City Council of the City of Cullman as follows:

**SECTION 1:** The provisions of this Ordinance shall be operation only during the existence of a state of emergency, referred to hereafter as “emergency”. The existence of such emergency may be proclaimed by the Governor of the State of Alabama pursuant to Section 31-9-8, Code of Alabama, or by Ordinance in the City Council of the City of Cullman if the City Council in such Ordinance finds that a natural disaster of major proportions has actually occurred within the City of Cullman and that the safety and welfare of the inhabitants of the City require an invocation of the provisions of this Ordinance . Any such emergency, whether proclaimed by the Governor or by the City Council, shall terminate upon the proclamation of the termination thereof by the Governor or the passage by the City Council of a Ordinance terminating such emergency.

**SECTION 2:** During the period and thereafter of a state of emergency existing and continuing which was declared by the Governor of the State of Alabama and the City Council passed an Emergency Resolution declaring that an emergency existed within the City of Cullman. The Mayor and Council shall have the following powers:

- A. When it is shown to the Building Inspector and upon the Building Inspector’s recommendation that a home in a residential neighborhood or district is uninhabitable due to the events of the emergency disaster, the Mayor may grant a variance to the Zoning Ordinance to allow a motor home, mobile home, or modular structure to be used as a residence on the lot which the damaged structure exists up to a 6 months period only. The Mayor may not exceed the period under any circumstances.

- B. The variance shall be only for the period of 6 months from the Mayor's determination and shall be in writing dated and signed by the Mayor with the 911 address clearly stated. This variance is not transferrable to another location or family.
- C. The motor home, mobile home, or modular home used by the resident must comply with all health, safety, and minimum building regulations for a residential structure and the Alabama Manufactured Housing Commission (AMHC) regulations.
- D. The motor home, mobile home, or modular home must be properly connected to city sewer or septic system formerly used by the original structure.
- E. Should the resident require more than 6 months to repair the original structure, then 30 day prior to the end of the original variance granted by the Mayor the resident may petition the City Council for an extension of the variance. In no event can the extension be granted for more than one additional 6 month period by the City Council.

**SECTION 3:** The Mayor shall immediately and without delay make public all actions granted herein and reported to the City Council all variances granted to meet the emergency under this Ordinance.

**SECTION 4:** All ordinances, or parts of ordinances, in conflict herewith are amended to conform to this Ordinance.

**SECTION 5:** Nothing in this Ordinance or order of variance granted by the Mayor or Council shall supercede any restrictive covenant or deed restriction concerning the use of the land by the resident.

ADOPTED this the 18<sup>th</sup> day of May, 2011.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 18<sup>th</sup> day of May, 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 Hollingsworth made a motion to adjourn and Council Member Page seconded the motion. The meeting was adjourned at 5:51 P.M. by a voice vote. Ayes: All. Nays: None.

