

**CULLMAN CITY COUNCIL  
SPECIAL MEETING  
May 23<sup>rd</sup>, 2011  
7:00 P.M.**

The Mayor and Council Members met with Cullman Economic Development Employees at 6:00 P.M. Dale Greer reported on the progress of the Duck River Project. Dr. Wayne Fuller has signed offers for 10 parcels of property. The Alabama Legislative Delegation will introduce the Water Shed management Authority bill on Tuesday, May 24<sup>th</sup>, 2011. This meeting was adjourned at 6:20 P.M.

Mr. Tom Charney, Risk Manager, came to the pre-council meeting to discuss the requests from business owners who are claiming loss of revenue because streets are closed. Chief Culpepper said the police department have logs with dates and times the streets have been officially closed.

Mayor Townson called Mr. Mitch Beasley, Operations Manager for Phillips and Jordan, Inc, to get an update on the progress of the clean-up. Mr. Beasley said progress is being made each day and the first pass through should be completed next week.

Police Chief Culpepper and Fire Chief Reinhardt reported on the interest in getting emergency shelters for the City of Cullman. Garden City applied through FEMA and received a shelter for their community. This program is funded 75% FEMA and 25% local funds. These above ground shelters can protect around 400 people in a disaster. The City of Cullman could use three shelters. The suggested areas were NeSmith Area, Ingle Park Area and the Fairgrounds. Mayor Townson and Council Members asked the chiefs to work with Cullman County Economic Development Office Staff Members for direction.

President Gudger called the Cullman City Council Meeting to order at 7:00 P.M. Mr. David Andrews, City Employee for the Street Department, 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, City Clerk Ruth W. Rose and Wes Moore.

Council Member Cook made a motion to suspend the rules in order to take immediate action on the minutes from May 9<sup>th</sup> and May 11<sup>th</sup>, 2011. Council Member Folsom seconded the motion and the Clerk polled the Council Members. Council Member Cook: Aye. Council Member Page: Aye. Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Cook made a motion to adopt the minutes as written on May 9<sup>th</sup>, and May 11<sup>th</sup>, 2011. Council Member Hollingsworth seconded the motion and the minutes were approved by a voice vote. Ayes: All. Nays: None.

**ADDITIONS/DELETIONS TO AGENDA**

None

## **REPORTS OF STANDING COMMITTEES**

1. Police Committee - Council Member Andy Page - No Report
2. Fire Committee - Council President Garlan E. Gudger, Jr. - No Report
3. Sanitation Committee - Council Member Johnny Cook - No Report
4. Street Committee - Council Member Clint Hollingsworth - No Report
5. Finance Committee - Council Member Jenny Folsom - No Report

## **SPECIAL COMMITTEE REPORTS**

None

**REPORTS OF OFFICERS** Mayor Max A. Townson reported on the recent air show held Saturday, May 21<sup>st</sup>, 2011 at Folsom Field. An estimated 10 to 15 thousand visitors attended the event. It was one of the best air shows to ever be held in this community. A special thanks to Mr. David Parker and Mr. Bob Burns who worked very hard organizing the event. There were many sponsors and volunteers who contributed to make this so successful. President Gudger said the weather was perfect and a special thanks to everyone who helped make this event so successful.

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

Mr. Ron Pierce, Downtown Merchant's Association, requested to host a special event to celebrate Cullman on June 10<sup>th</sup>, 2011. The event would begin at 2:00 P.M. and end at 10:00 P.M. This event will let the community know the downtown merchant's are here and celebrating after the disaster. There will be bands from Nashville, balloon art, football tosses, and the carts buses will deliver people to the downtown area. There will be food vendors and arts and crafts for all ages. Some streets may need to be closed for safety. 1<sup>st</sup> Avenue near #278 to Weiss Cottage and 2<sup>nd</sup> Avenue between 4<sup>th</sup> and 5<sup>th</sup> Streets are the areas that need to be closed. Stages for music will be set up across from Berkley Bob's Coffee Shop. The association would like to use Depot Park and Festhalle for activities also. Mr. Pierce also thanked all the emergency responders and volunteers who worked so hard during this disaster and wanted to recognize them at Honor's Row in Depot Park. President Gudger asked Chief Culpepper and Chief Reinhardt to comment on the request. Both Chiefs gave a thumbs up indication of approval. Mayor Townson gave approval. Council Member Hollingsworth made a motion to add this request to the agenda. Council Member Folsom seconded the motion and the request was added to the agenda. Council Member Hollingsworth made a motion to approve the request pending approval from the Police Chief and Fire Chief to close the streets. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None. President Gudger abstained from voting due to the request being from his Father-in-law.

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

Mr. Randy Thomas (Warrior) and Mr. Patrick Turner requested to host a benefit motorcycle ride for the tornado victims. The event will be held on Saturday, August 13<sup>th</sup>, 2011 beginning at 9:00 A.M. The Town of Garden City Employees are co-hosting the event. There will be door prizes, entertainment and a car show. All of the donations will be given to connecting Cullman. The people of Cullman will benefit directly. Police Chief Culpepper said he could provide an escort by two motorcycle officers into and out of the city limits of Cullman. 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.

Council Member Page made a motion to approve the request from Mr. Junior Heaton, Water and Sewer Superintendent, to purchase a generator for the camera truck for an estimated costs of \$4,500. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to table the request from Chief Culpepper for 15 tasers for an estimated amount of \$20,000. Council Member Page seconded the motion and the request was tabled by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Mr. Andy Heiss, Desperation Church, for a noise permit for a fireworks show on Monday, July 4<sup>th</sup>, 2011 at Heritage Park. Mr. John Hunt was present and aware of the change of location from the Fairgrounds to Heritage Park. The event will begin at 9:00 P.M. and be completed by 10:00 P.M. Chief Culpepper and Chief Reinhardt have been contacted. Fire Marshall Chris Chaffin has also been contacted. Council Member Hollingsworth seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Susan Greene of Nashville, TN for a noise permit. She will host a fund raiser for American Red Cross on Saturday, June 4<sup>th</sup>, 2011 beginning at 6:30 P.M. until 10:00 P.M. Council Member Folsom commented other events have ended at 9:00 P.M. If there are any complaints the event will be stopped at 9:00 P.M. Mayor Townson said the music is acoustic only and no loud speakers will be used. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

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

Council Member Page made a motion to adopt Resolution 2011-101 which declares the official name of the governing body of the Cullman Parks and Recreation Board to "Cullman City Parks and Recreation Board"

#### Resolution 2011-101

Council Member Hollingsworth seconded the motion. Mr. John Hunt was present to explain the request was made by ABC Agent Lundy who is helping with the Municipal Golf Course application to sell alcohol. The resolution was adopted by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to adopt Resolution 2011-102 which is a lease of the property located at the Municipal Golf Course to the Cullman City Parks and Recreation Board.

#### Resolution 2011-102

Council Member Folsom seconded the motion. Mr. Roy Williams, City Attorney, suggested making the lease an annual lease agreement with an automatic renewal. Mr. John Hunt, Park Director, said the annual

lease with automatic renewal would be acceptable. The resolution was adopted by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to adopt Resolution 2011-103 to change the scheduled meeting of the Cullman City Council on June 13<sup>th</sup>, 2011 to June 6<sup>th</sup>, 2011. There is a conflict with a Cullman Jefferson Gas Board Meeting and a quorum will not be available on June 13<sup>th</sup>, 2011.

### **RESOLUTION 2011-103**

#### **Resolution Authorizing Change of Regular Scheduled Meeting Date**

WHEREAS, The City of Cullman has heretofore scheduled meeting dates of the second and fourth Monday of each month; and

WHEREAS, It has been determined that the Mayor and Council Members will be out of town on June 13<sup>th</sup>, 2011 and that date will be changed to June 6<sup>th</sup>, 2011 for the regular Cullman City Council Meeting.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the date be hereby amended.

ADOPTED this 23<sup>rd</sup> day of May, 2011.

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

Attest:

/s/ Ruth W. Rose  
City Clerk

APPROVED this 23<sup>rd</sup> day of May, 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 Hollingsworth made a motion to adjourn this meeting until tomorrow, Tuesday, May 24<sup>th</sup>, 2011 at 11:00 A.M. Council Member Cook seconded the motion and the meeting was adjourned until tomorrow by a voice vote. Ayes: All. Nays: None.

Council Member Andy Page met with the Mayor at Cullman City Hall on Tuesday, May 24<sup>th</sup>, 2011 at 11:00 A.M. and requested to reconvene on Tuesday, May 31<sup>st</sup>, 2011 at 11:00 A.M. to continue the meeting from May 23<sup>rd</sup>, 2011.

President Gudger called the meeting back to order on **Tuesday, May 31, 2011 at 11:00 A.M.** Mayor Townson presented the invocation.

The City Clerk reminded everyone this was an adjourned meeting from Monday, May 23<sup>rd</sup> and Tuesday, May 24<sup>th</sup>, 2011. A roll call reflected the following. Mayor Max A. Townson - Present. Council Member Andy Page - Present. Council Member Johnny Cook - Absent. Council President Garlan E. Gudger, Jr. - Present. Council Member Jenny Folsom - Absent. Council Member Clint Hollingsworth - Present. Mr. Roy Williams, City Attorney, was also present.

Council Member Hollingsworth made a motion to suspend the rules in order to take immediate action on the minutes from Mayo 18<sup>th</sup> and May 20<sup>th</sup>, 2011. Council Member Page seconded the motion and the clerk polled the Council Members. Council Member Page: Aye. Council President Gudger: Aye. Council Member Hollingsworth: Aye. Nays: None.

Council Member Page made a motion to approve the minutes from May 18<sup>th</sup> and May 20<sup>th</sup>, 2011 as written and Council Member Hollingsworth seconded the motion. The minutes were approved by a voice vote. Ayes: All. Nays: None.

There were no additions or deletions to the agenda.

President Gudger called upon Council Member Page for a Police Committee Report. Council Member Page had no report.

President Gudger said he had no report for the Fire Committee.

Council Member Hollingsworth said he had no report for the Street Committee.

There were no special committee reports.

Mayor Townson reported on the "Clean Sweep Program" being extended from June 12, 2011 until July 12, 2011. This will cover 100% for debris removal on private property. No new task orders have been ordered.

President Gudger asked for anyone not on the agenda to come forward to speak. Mr. Larry Ragsdale, retired from the Cullman Power Board, came to speak on behalf of his grandson. Cullman Life website has been active and Mr. Ragsdale invited everyone to visit [cullmanlife.com](http://cullmanlife.com) for more information. There are pictures and videos of the recent tornado destruction in the City of Cullman. He thanked all of the city workers and volunteers for the long hard hours of work. Joe Ragsdale and Mike Ragsdale are his Sons.

President Gudger said the ARC Board have sent three requests for alcohol licenses with favorable approvals. Council Member Page made a motion to approve the request from the Cullman Moose Lodge 1861 for a non-profit private club license for on premise consumption. Council Member Hollingsworth seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request from Grumpy's Pizza and Pasta for a license to sell beer and wine for on premise consumption. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from William's Barbecue, Inc for a restaurant license to sell beer, wine and liquor for on premise consumption. Council Member Hollingsworth seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger said the ABC Office will be notified of the approvals for their consideration.

Council Member Hollingsworth made a motion to adopt the following Resolution 2011-104:

**RESOLUTION AUTHORIZING THE EXECUTION  
AND DELIVERY OF A WATER SUPPLY AGREEMENT  
WITH THE UTILITIES BOARD OF THE  
CITY OF CULLMAN AND A CONTINUING  
DISCLOSURE AGREEMENT PERTAINING TO  
SECURITIES OF SAID BOARD**

BE IT RESOLVED by the City Council of the City of Cullman in the State of Alabama that the Mayor of the said City is hereby authorized and directed to execute and deliver in the name of and in behalf of the said City a Water Supply Agreement with The Utilities Board of the City of Cullman, a public corporation (the "Board"), and a Continuing Disclosure Agreement pertaining to certain Water Revenue Bonds to be issued by the Board in substantially the respective forms attached to the minutes of the meeting at which this resolution is adopted and designated Exhibit A and Exhibit B, respectively, and the City Clerk of the said City is hereby authorized and directed to affix to the said agreements the corporate seal of the City and to attest the same, and the said forms designated Exhibit A and Exhibit B, respectively, are incorporated herein as if the same were set out in full herein.

Adopted this 31<sup>st</sup> day of May, 2011.

/s/ Garlan E. Gudger, Jr.

President of City Council

Authenticated:

/s/ Ruth W. Rose  
City Clerk

Approved this 31<sup>st</sup> day of May, 2011.

/s/ Max A. Townson

Mayor

Council Member Page seconded the motion. Mr. Roy Williams, City Attorney, stated the bond requirement in 1996 states reports will be filed electronically each year. Mr. Nick Greenwood, Bond Counsel, said he used the 1954 Water Supply Agreement to form this new agreement. President Gudger then asked for the Council Members to be polled by the City Clerk. Council Member Andy Page: Aye. Council President Garlan E. Gudger, Jr.: Aye. Council Member Clint Hollingsworth: Aye. Nays: None.

Council Member Page made a motion to adopt the following Resolution 2011-105:

**RESOLUTION 2011-105**

**AUTHORIZING THE MAYOR TO DISBURSE DONATED FUNDS FOR DISASTER**

WHEREAS, the Cullman City Council authorizes the Mayor to disburse funds donated to the City of Cullman Disaster Relief fund created by the tornado on Wednesday, April 27<sup>th</sup>, 2011; and

WHEREAS, the Cullman Council are aware of the devastated condition of the City of Cullman and the many needs by all organizations; and

WHEREAS, the City Council deems it appropriate to authorize the Mayor to disburse the donated funds to the most needed area that will benefit the most citizens as possible.

THEREFORE, BE IT RESOLVED by the City Council that the Mayor is hereby authorized to execute and disburse donated funds to non-profit organizations helping the citizens of Cullman on behalf of this Council for the City of Cullman.

ADOPTED this the 31<sup>st</sup> day of May, 2011.

/s/ Garlan E. Gudger, Jr.

President of the Cullman City Council

ATTEST

/s/ Ruth W. Rose

City Clerk

APPROVED by the Mayor this the 31<sup>st</sup> day of May, 2011.

/s/ Max A. Townson  
Mayor

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

President Gudger reminded everyone of the changed meeting date to June 6<sup>th</sup>, 2011. Council Member Hollingsworth made a motion to adjourn at 11:20 A.M. Council Member Page seconded the motion and the meeting was adjourned by a voice vote. Ayes: All. Nays: None.