

CULLMAN CITY COUNCIL
REGULAR MEETING
November 8th, 2010

The Mayor and Council met in the City Hall Conference Room at 5:30 pm with the ABC Enforcement Officers, Matthew Chance and John Venegoni. The Officers discussed the rules and regulations for the Alabama ABC Board. The meeting was adjourned at 6:30 p.m. and the group assembled in the Council Chambers to review the agenda.

Mr. John Hunt, Park and Recreation Director and Mr. Rusty Turner, Park Board Chairman came to discuss a long range plan for the park and recreation department.

Mr. Wesley Moore, Accountant and Attorney Roy Williams were present to answer any questions. Trent Moore, Cullman Times Reporter and Delton Blalock, Cullman Tribune Reporter, were also present.

The Cullman City Council met in regular session on November 8th, 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. Absent - None. Also present were City Attorney Roy Williams and City Clerk Ruth W. Rose .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on October 25th, 2010 and take immediate action. Council Member Folsom seconded the motion and the 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 on October 25th, 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 Cook made a motion to add item #7 under Roman Numeral IX , to allow the police department to go out for bids on 5 vehicles. Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to add item #8 under Roman Numeral IX to purchase a computer system for the Building Department. Council Member Cook seconded the motion and the item was added by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to add item #9 under Roman Numeral IX to purchase a

computer system for the Economic Development Office. Council Member Folsom seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to add item #11 under Roman Numeral X to authorize the Mayor to sign an agreement with Jim Wilson & Associates to study the retail development for the 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 delete item #2 under Roman Numeral X which was an agreement with Skipper and Associates to conduct a traffic study. Council Member Folsom seconded the motion and the item was removed by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to delete item #10 under Roman Numeral X Board Appointments. Council Member Page seconded the motion and the item was deleted by a voice vote. Ayes: All. Nays: None.

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 - The City of Cullman Park and Recreation Department was nominated for a national award. There were four cities in the United States that were considered for this award and Cullman was the only city in Alabama to be in the top four. This is the highest honors for division #5 in the United States and Canada from more than 125,000 Park and Recreation Departments. Mayor Townson asked Mr. John Hunt, Director and Rusty Turner, Chairman of the Park Board, to come to the podium. Mr Hunt and Chairman Turner and other Park Board Members want to thank the Mayor and City Council Members for the support given over the years. The employees of the Park Department were present and Mr. Hunt asked them to stand for recognition. Mayor Townson praised the department for the nomination and hopes to bring home first place next year. Mayor Townson said this is the best of the best and wants our visitors from Montgomery to take notice of the good qualities the City of Cullman offers. Mr. Woody Jacobs, Mark Adderhold, and Chester Freeman were also present. President Gudger wanted to recognize them for their contributions to this award.

COMMENTS FROM ANYONE NOT ON THE AGENDA

President Gudger said due to the changes the city faces due to the recent election the time limit of 3 minutes per speaker will be enforced tonight for the meeting to be completed and finished in a timely manner.

Mr. James R. And Michelle Taylor came to the podium to request the use of the parking lot across from Berkly Bob's Coffee Shop. They are hosting a fund raiser for the Good Samaritan Clinic and the American Cancer Society on Saturday, November 13th, 2010. The event will begin at 12:00 noon. The Christmas Parade and the 5-K Run will be on this date. Police Chief Culpepper and Fire Chief Reinhardt will work with the group to host this event. President Gudger asked the Mayor to coordinate this event with the chiefs and merchant owners on this block. Mayor Townson asked Mr. Taylor to present a formal written request. Council Member Folsom made a motion to approve this request pending the approval of the Mayor, Police Chief and Fire Chief. Council Member Hollingsworth seconded the motion and the request was approved with the outlined stipulations by a voice vote. Ayes: All. Nays: None.

Mayor Townson noted the City of Cullman also supports the Good Samaritan Clinic.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Jeff Adams, Superintendent of the Waste Water Treatment Plant, to go out for bids for ultra violet light equipment and glass quartz sleeves. Council Member Hollingsworth seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

A request was made by Mr. Jeff Adams, Traffic Superintendent, to take bids for 5 traffic loops used for traffic signals. Council Member Folsom made a motion to approve this request and Council Member Page seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

Mr. John Hunt, Park Director, made a request to host the second annual Frosty 5-K Run to be held on Saturday, January 8th, 2011. Council Member Cook made a motion to approve this request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

President Gudger will forward the request from Vicki Tucker Andrews of 412 14th Street NE to the Planning Commission for a recommendation of the request to have property rezoned as CBD (Central Business District) in the Musgroves Addition.

The next request from Norman R. Bryan of 205 Main Avenue SW, will be forwarded to the Planning Commission for a request to rezone his property located in the Musgroves' Addition. The City Council will review after the Planning Commission makes a recommendation.

President Gudger said the next three items are purchasing requests from the Fire Department and Mr. Roy Williams, City Attorney suggested approval of each item as a separate motion.

Council Member Cook made a motion to approve the purchase of a Masimo Rad-57 SpCo Meter for the fire department in the amount of \$3,995.00. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the purchase of 3 Drager Xam5000 Multi-Gas Meters for a total price of \$4,761.00 for the Fire Department. 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 approve the purchase of 5 Kenwood TK-5210 Digital Radios for the Fire Department at a cost of \$8,177.50. Council Member Folsom seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve a request to take bids for 5 vehicles for the Police Department. Council Member Folsom seconded the motion and stated this was a budgeted item. The request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the purchase of a new computer system for the Building Inspection Department to be purchased from the State Bid List. Council Member Cook seconded the motion and the request was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve a computer system for a new employee, Susie Hood in the Economic Development Office. 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 President Gudger explained the next item on the agenda is a Resolution to award a bid for drilling two monitoring wells on the Greif Brothers Property to Smith Drilling. Council Member Folsom made a motion to approve the following resolution:

**RESOLUTION NO. 2011-18
AWARDING OF BID FOR TWO MONITORING WELLS
FOR GRIEF BROTHERS PROPERTY**

WHEREAS, bids were opened at 3:00 PM on October 15th, 2010 for the task of drilling and monitoring two wells on the Greif Brothers site according to specifications; and

WHEREAS, the following three vendors submitted their respective bids:

- | | | |
|---|------------|------------|
| 1. Smith Drilling Services, Inc. | Bessemer | \$1,800.00 |
| 2. Tri-State Drilling, LLC | Birmingham | 2,410.00 |
| 3. Christian Testing Laboratories, Inc. | Montgomery | 2,685.00 |

WHEREAS, the recommendation from Jymalyn Redmond, Environmental Manager for Goodwyn, Mills and Cawood, is to award the bid to the lowest responsible bidder, Smith Drilling

Services, Inc with a base bid of \$1,8000.00.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to Smith Drilling Services, Inc, Alabama at this time.

ADOPTED this the 8th day of November, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of November, 2010.

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

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

The following Resolution was deleted from the Agenda tonight and will be *null and void*.

RESOLUTION NO. 2011-19

RESOLUTION AUTHORIZING MAYOR TO ENTER AGREEMENT FOR PROFESSIONAL SERVICES WITH SKIPPER CONSULTING, INC.

WHEREAS, Skipper Consulting, Inc. has presented the attached proposal to provide professional services related to Traffic Signal Design and Permitting for Main Avenue SW at Swafford Road and Second Avenue NE at Arnold Street hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work which consists of Traffic Counts, Traffic Signal Plan Preparation, Bidding Services and Equipment Procurement, Pole Foundation Design in the proposal for the 2 sites at a total cost of \$23,350.00; 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 ; now

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to sign an agreement with Skipper Consulting, Inc. designing the specifications 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 8th day of November, 2010.

President of the City Council

ATTEST:

City Clerk

Transmitted to the Mayor this the 8th day of November, 2010.

City Clerk

APPROVED by the Mayor this the 8th day of November, 2010.

Mayor

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

RESOLUTION 2011-20

BE IT RESOLVED, by the City of Cullman, Alabama as follows:

1. That the City of Cullman, Alabama, is authorized to make an application in the amount of twenty thousand fifty dollars (\$20,050.00) for airport improvement funding assistance from the State of Alabama Department of Transportation and seven hundred seventy-nine thousand one hundred ninety dollars (\$779,190.00) for funding assistance from the Federal Aviation Administration for the purpose of undertaking a project to make improvements at the Cullman Regional Airport.

2. That the application be submitted for and on behalf of the City of Cullman, Alabama, by its Mayor, who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City of Cullman, Alabama.

3. That the City of Cullman, Alabama, is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and the Federal Aviation Administration, for the purpose of undertaking a project to make improvements at the Cullman Regional Airport, with partial funding provided by the State of Alabama and the Federal Aviation Administration.

4. That the agreement be executed in the name of the City of Cullman, Alabama, for and on behalf of the City of Cullman, Alabama, by its Mayor.

5. That the agreement be attested by the City Clerk and the seal of the City of Cullman, Alabama, affixed thereto.

6. That the authority of the City of Cullman, Alabama, to enter into contracts with the State of Alabama and the Federal Aviation Administration has been reviewed by the City of Cullman, Alabama's attorney, and in his opinion, the City of Cullman, Alabama is duly authorized to commit the City of Cullman, Alabama. To an agreement with the Alabama Department of Transportation and the Federal Aviation Administration.

BE IT FURTHER RESOLVED, that the City of Cullman, Alabama hereby affirms that the local matching share of funds in the amount of twenty thousand fifty dollars (\$20,050.00) required for this agreement has been officially approved, placed into the budget of the airport and is available for expenditure upon execution of the State of Alabama's and the Federal Aviation Administration's funding agreements and the start of the project.

ADOPTED this the 8th day of November, 2010.

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

ATTEST

/s/ Ruth W. Rose
City Clerk

TRANSMITTED to the Mayor this the 8th day of November, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of November, 2010

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

Council Member Folsom 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 to award a tree service bid on Lynnwood Drive:

RESOLUTION NO. 2011 - 21
Tree Services on Lynnwood Drive SW
Bid Award

WHEREAS, bids were opened on November 4th, 2010 at 2:00 pm for Tree Services located on Lynnwood Drive SW for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 5 vendors:

Discount Tree Service	Crane Hill	\$400.00
Clemmon's Tree Service	Cullman	575.00
Reeves and Son LLC	Vinemont	575.00
Marshall's Tree Service	Hanceville	580.00
B & H Tree Service	Bremen	1,123.00

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

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

ADOPTED this the 8th day of November, 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 8th day of November, 2010.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2011 - 22
Tree Services on Corner of 1st Avenue and 2nd Street
and Corner of 3rd Avenue and 2nd Street
Bid Award

WHEREAS, bids were opened on November 4th, 2010 at 2:00 pm for Tree Services located on the corner of First Avenue and Second Street and the corner of Third Avenue and Second Street for the City of Cullman Arborist Department, and

WHEREAS, the following bids were opened from 5 vendors:

Discount Tree Service	Crane Hill	\$700.00
Clemmon's Tree Service	Cullman	900.00
Reeves and Son LLC	Vinemont	1,125.00
Marshall's Tree Service	Hanceville	1,190.00
B & H Tree Service	Bremen	2,097.00

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

BE IT RESOLVED by the City Council of the City of Cullman that the bid for tree service be awarded to Discount Tree Service of Crane Hill, AL at this time.

ADOPTED this the 8th day of November, 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 8th day of November, 2010.

/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 Folsom made a motion to adopt the following Resolution:

RESOLUTION NO. 2011 - 23

**RESOLUTION AUTHORIZING CONTRACT FOR SERVICES
WITH ALABAMA ABATEMENT TO REMOVE ASBESTOS FROM THE
BUILDING LOCATED AT 701 SECOND AVENUE NE AT THE GREIF PROPERTY**

WHEREAS, Alabama Abatement has presented a bid on November 4th, 2010 to provide services to remove the asbestos from the building located at 701 Second Avenue NE at the Greif Property, and;

WHEREAS, the City has considered the scope of work included in the proposal and is in need of contracting services to remove asbestos in this building and no other bidders responded to the bid request; 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 bid of \$9,200 for the total job.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the Mayor is hereby authorized to execute an agreement with Alabama Abatement for and on behalf of the City of Cullman to perform the services related to the Project as set out in the proposed bid specifications for services.

ADOPTED this the 8th day of November, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 8th day of November, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of November, 2010.

/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 2011-24

WHEREAS, a municipal option election was duly held in the City of Cullman, Alabama, on the 2nd day of November 2010, to determine whether alcoholic beverages should be sold and distributed within the City of Cullman; and

WHEREAS, the City Council of the City of Culman has met on this 8th day of November 2010 at 7:00 p.m., a quorum thereof being present, and has canvassed the returns; and

WHEREAS, the Council has ascertained and determined the results of said election to be as follows:

Beat 1 Box 1 McGukin Civic Center	YES - 1,374	NO - 1,426
Beat 1 Box 4 Cullman County Office Building	YES - 723	NO - 663
Beat 1 Box 5 Cullman City Hall	YES - 699	NO - 510
Beat 1 Box 6 Cullman County Courthouse	YES - 272	NO - 227
Absentees	YES - 87	NO - 95
	TOTAL	
	YES - 3,155	NO - 2,921
Provisional -	YES - <u>1</u>	NO - <u>1</u>
7 Ballots to be verified by the Board of Registrars Office.		

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

1. That in accordance with the results of this election the legal sale and distribution of alcoholic beverages will be permitted within this municipality under the general laws of the State of Alabama.

ADOPTED this the 8th day of November, 2010.

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

Attest:

/s/ Ruth W. Rose
City Clerk

APPROVED this the 8th day of November, 2010.

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

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

President Gudger asked Mr. Junior Heaton, Water Superintendent, if he had reviewed the bids on the water tank coating project. Mr. Heaton said he was happy with the bids and they came in lower than expected and the project was a needed project to keep up the maintenance on the tanks. Council Member Folsom made a motion to approve the following Resolution:

RESOLUTION NO. 2011-25
AWARDING OF BID FOR WATER TANKS HYDROPILLAR COATING
LOCATED ON GOLF COURSE ROAD AND VINEMONT

WHEREAS, bids were opened on Wednesday, November 3rd, 2010 for coating of the water tanks located on the Golf Course Road and Vinemont; and

WHEREAS, the following 5 vendors submitted their respective bids:

1. Utility Services	Perry, GA	\$892,000.00
2. American Suncraft Con. Co.	Medway, Ohio	994,140.00
3. Robinson & Sons Con. Services.	Haleyville, AL	1,000,000.00
4. Tank Pro, Inc.	Northport, AL	1,054,745.00
5. TMI Coatings, Inc	St. Paul, MN	1,353,700.00

WHEREAS, the recommendation from Mr. Drew Nelson, Project Manager for Utility Engineering Consultants, LLC, is to award the bid to the lowest bidder, Utility Service of Perry, GA 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 Utility Service of Perry, GA at this time subject to the approval by ADEM.

ADOPTED this the 8th day of November, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of November, 2010.

/s/ Max A. Townson
Mayor

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

President Gudger explained this next item on the agenda was declaring surplus property on Warnke Road and Ward Avenue. The Planning Commission gave a favorable recommendation. This was the first review and reading of the ordinance. Council Member Cook made a motion to suspend the rules in order to take immediate action. Council Member Page 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. Council Member Page made a motion to adopt the following ordinance:

ORDINANCE NO. 2011 - 02
AN ORDINANCE DECLARING CERTAIN
CITY PROPERTY SURPLUS OR NOT NEEDED
FOR PUBLIC OR MUNICIPAL PURPOSES

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

1. The City Council of Cullman, Alabama finds and determines that the City of Cullman is the owner of a certain easement and described herein is not needed for any public or municipal purpose.
2. The City Council further finds and determines that this property is not needed by the City of Cullman for public or municipal purposes, said property being described as follows:
A 50 foot street right-of-way being a continuation of Ward Avenue, beginning on the North side of Warnke Road and extending perpendicular to Warnke Road northerly to the North line of a 25 foot easement
3. The City Council hereby declares the above described property to be surplus and that it is

in the best interest of the City of Cullman to convey the ownership back to the adjacent property owner, Judy P. Butler.

4. The City Council hereby authorizes the Mayor to execute and convey the property described above in this Ordinance on behalf of the City of Cullman to Judy P. Butler.

5. This ordinance shall become effective upon its passage and publication as required by law.
ADOPTED this the 8th day of November, 2010.

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

Attest:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 8th day of November, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED this the 8th day of November, 2010.

/s/ Max A. Townson
Mayor

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

President Gudger stated the Board Appointments were deleted for tonight and moved on to the next item which is a resolution authorizing the Mayor to sign with Jim Wilson and Associates for retail development for the City of Cullman. Council Member Folsom made a motion to adopt the following Resolution:

RESOLUTION NO. 2011-26

RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES FOR RETAIL DEVELOPMENT BY JIM WILSON & ASSOCIATES

WHEREAS, Jim Wilson & Associates, LLC expects to develop large scale commercial retail facilities for the City of Cullman and hereafter referred to as the "Project"

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 after conducting meetings with Cullman County and City of Cullman representatives who support this Project and are willing to join together and form a Capital Improvement District; and

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with Jim Wilson & Associates, 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 8th day of November, 2010.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 8th day of November, 2010.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 8th day of November, 2010.

/s/ Max A. Townson
Mayor

Council Member Cook seconded the motion. President Gudger asked Mr. Heyward C. Hosch, III. Attorney with Maynard, Cooper and Gale to come to the podium. The resolution gives permission to proceed and is non-binding. Mayor Townson asked Mr. Hosch to explain the law regarding City Authority that was passed in 2005. Mr. Hosch said this was in section #772 in a constitution amendment passed in December 23, 2004 allowing cities to work in the area of

economic development. President Gudger asked Mr. Kenneth C. Funderburk, Merchant Capital, LLC of Montgomery, AL to come forward to explain his role in this project. Mr. Funderburk is working with Jim Wilson and Associates to formalize the first step of financing this retail development. He feels several businesses are interested at this time and now is the time to proceed. He will come back at a later time with more specifics and numbers to detail the more specifics of this project. President Gudger asked Mr. Woody Rush, Representative of Jim Wilson and Associates of Montgomery, to come forward and give an update his role in this project. Mr. Rush feels the City of Cullman is an ideal place for great retail shops. He has worked for this firm (Jim Wilson and Associates) for over 30 years and takes pride in all the projects that have been completed by this firm. The Wilson Family like to choose an area that reflects the pride of the company. Mr. Rush feels the City of Cullman is the perfect place to begin this partnership with his company. President Gudger feels this company can make the City of Cullman a very high quality retail development. President Gudger said we have a motion and a second and now what is the pleasure of the Council? The resolution was passed by a voice vote, Ayes: All. Nays: None.

Council Member Cook made a motion to adjourn and Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:48 p.m.

