

CULLMAN CITY COUNCIL  
REGULAR MEETING  
November 23<sup>rd</sup>, 2009

The Mayor and Council met in the city council conference room at 5:30 pm. Mayor Townson and all Council Members were present. Mr. W. Findley Frazer and Jymalyn E. Redmond from Goodwyn, Mills & Cawood, Inc were present to explain the proposal for Brownsfields Cleanup of the Greif Brothers Property. The State of Alabama has a program through Alabama Department of Environmental Management (ADEM) that offer low interest loans for this type of project. An application for an estimated project cost of \$630,000 can be filed with ADEM.

Economic Development monthly meeting was held at 6:00 pm. Peggy Smith gave updates on current projects. She presented a request from Joe Conn, President of Conn Surveyors, LLC to survey the East line of the Church Property near Royal Technologies for a cost of \$800.00. This will be added to the agenda tonight for approval.

A 6:30 pm meeting with Dale Greer, Dr. Wayne Fuller, Roy Williams and Wes Moore regarding the recent updates on the Duck River Project. Mayor Townson and Council Members will get a report after the meeting of the County and City Attorneys. The monthly utilities board meeting is scheduled for Tuesday, November 24<sup>th</sup>, 2009.

The Cullman City Council met in regular session on November 23<sup>rd</sup>, 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Rev. Jim O'dillon of First Baptist Church 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 .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meetings on November 2<sup>nd</sup>, 2009. Council Member Folsom seconded the motion and motion carried on roll call. Ayes: Council Members Page, Cook, Gudger, Folsom and Hollingsworth. Nays: None.

Council Member Cook then moved to approve the minutes as written and Council Member Hollingsworth seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom asked to add under Roman Numeral IX, item number 6. To take the item regarding Goodwyn, Mills and Cawood, Inc. the job as facilitator for the City of Cullman and the Cullman County Commission on the Duck River Project off the table. Council Member Page seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Cook asked to add item 7 under Roman Numeral X. This is a request for approval for surveying property near Royal Technologies by Conn Surveyors for an estimated cost of \$800.00. Council Member Folsom seconded the motion and motion was approved 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 - The Downtown Streetscape Project is coming along very well. Rick Henry, Street Department Supervisor, commented on the inquiries made by people passing thru town wanting to know how this project began. The sidewalks were completed near the Middle School to the Cullman Library and school children are using it daily. The sidewalks near Child Haven are completed also. The striping trucks will be out this week and ditching will begin when weather permits. He also commented on the quality of life in the City of Cullman and what a privilege it is to live here and work for the City of Cullman. Council Member Cook commented on getting telephone calls from residents stating the Street Department Employees doing work in the NW and SE areas of the city and doing such a great job. Rick Henry complimented his professional staff and dedicated employees who make his job such a pleasure to do. He appreciated the leadership of the Mayor and City Council Members. President Gudger commented on all of the Department Heads doing a great job which makes the Mayor and Council Members job a lot easier.

Council Member Jenny Folsom - Finance Committee - The Mayor and Department Heads are doing a great job in monitoring the budget during these tough economic times. A formal financial report will be made at a later date.

### REPORTS OF OFFICERS

Mayor Max A. Townson - A department head meeting was held on Thursday, November 19<sup>th</sup>, 2009 at 9:00 a.m. He appreciated the effort being made by all departments in keeping within the budget by reducing overtime and not hiring any new employees during these very difficult economic times. The new employee handbook was discussed and the safety commitment contract for worker's comp insurance was reviewed. Mayor Townson appreciates the efforts being made by all and hopes the economy will improve soon. The budget will be reviewed and revised if more funds become available.

### COMMENTS FROM ANYONE NOT ON THE AGENDA

None

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

Council Member Hollingsworth made a motion to approve the request from Rick Henry, Street Department Supervisor, to take bids on rock and concrete materials. Council Member Cook seconded the motion and motion was approved with a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve taking bids for the demolition of buildings on the Greif Brothers Property. Council Member Page seconded the motion. President Gudger asked Roy Williams, City Attorney, to clarify the bid specifications. Mr. Williams said the specification plans will be designed by the engineers of Goodwyn, Mills & Cawood. The motion was approved by a voice vote. Ayes: All. Nays: none.

Council Member Cook made a motion to approve the purchase of a hood for the fire station #1 in the amount of \$1,500.00. Council Member Folsom seconded the motion. Chief Jr. Reinhardt explained the current hood did not meet the requirements for inspection. The motion was approved by a voice vote. Ayes: All. Nays: None.

Junior Heaton, Water Department Supervisor, made a request to bid materials for supply stock. Council Member Page made a motion to approve the request. Council Member Cook seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Flavia Cipollari Sanchez, Hispanic Committee Chairman, was present to request a permit to host a car procession on Saturday, December 12<sup>th</sup>, 2009 at 7:15 p.m. initiating at St. Bernard Monastery commencing at Sacred Heart Church. This has been an annual event since 2001. Chief Culpepper stated this event has not created any problems in the past and would be favorable with helping with the event. Fire Chief Reinhardt also gave approval. Council Member Folsom made a motion to approve the request and Council Member Hollingsworth seconded the motion. The motion was approved by a voice vote. Ayes: All. Nays: None.

The next item was tabled from a previous meeting and Council Member Folsom made a motion to review the request to hire Goodwyn, Mills & Cawood, Inc as a facilitator for the Duck River Project. Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom clarified the request made by the County Commissioners on 7 points for the Water Project review. These questions were questions that engineers and attorneys should answer. The discussions will continue with the help of our legal staff. Roy Williams said the attorneys plan to meet tomorrow. Council President Gudger said the facilitation will continue through our attorneys and engineers. Council Member Folsom made the motion to not proceed with Goodwyn, Mills & Cawood and let the facilitation continue with the attorneys and engineers. Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

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

Council Member Page made a motion to approve a resolution awarding a bid for waterline replacement on Highway 157 to Apel Machine and Supply. The following resolution was read:

**RESOLUTION NO. 2010-16**  
**AWARDING OF BID FOR WATERLINE MAIN REPLACEMENT**  
**FOR HIGHWAY 157 TO APEL MACHINE AS RECOMMENDED**  
**BY UTILITY ENGINEERING CONSULTANTS**

WHEREAS, bids were opened on Thursday, October 29<sup>th</sup>, 2009 at 2:00 P.M. for Replacement of 160 PVC Waterline on U.S Highway 157, DWSRF Project #FS010064-03, Contract 5, and

WHEREAS, the following 7 vendors submitted their bids :

<b>1. Apel Machine &amp; Supply Co.,Inc.</b>	<b>\$583,970.00</b>
2. Onyx	643,475.00
3. Robinson & Sons	649,890.00
4. T & K Construction	699,428.45
5. B & H	880,326.00
6. C & T Contracting	1,213,228.30
7. Jordan Excavating	1,373,130.00

WHEREAS, the recommendation from the Project Engineer for Utility Engineering Consultants, LLC Mr. David A. (Drew) Nelson, Jr., is to award the bid to the lowest responsive bidder, Apel Machine & Supply Co., Inc.,

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the contract be awarded to Apel Machine & Supply Co, Inc. in the amount of \$583,970.00 subject to the approval the Alabama Department of Environmental Management (ADEM).

ADOPTED this the 23<sup>rd</sup> day of November, 2009.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 23<sup>rd</sup> day of November, 2009.

/s/ Max A. Townson  
Mayor

Council Member Folsom seconded the motion and motion passed with a voice vote. Ayes: All.  
Nays: None.

Council Member Cook made a motion to adopt the following resolution which supports the efforts of Chris Van Dyke to maintain mental health care in the City of Cullman. The following resolution was read:

**RESOLUTION NO. 2010-17**

WHEREAS, the **City of Cullman and the Cullman Area Mental Health Authority** in a joint partnership are supportive of the continuing of much needed services to the residents of Cullman; and

WHEREAS, this resolution will focus on the support to be given by the Cullman County Commission and Cullman Regional Medical Center for their support to the residents; and

WHEREAS, this cause has been a top priority project for the Cullman Area Mental Health Authority for many years and has the full support of the city council; and

WHEREAS, the approved number of beds assigned for Cullman County is very much needed and used by residents who do not need to travel out of the county for assistance.

NOW THEREFORE BE IT RESOLVED, The Mayor and Cullman City Council Members support the Cullman Area Mental Health Authority for all the services provided to our citizens and wish to continue to provide the services in our City and County.

PASSED, ADOPTED and APPROVED on November 23<sup>rd</sup>, 2009.

**/s/ Max A. Townson, Mayor**

**/s/Garlan E. Gudger, Jr., Council President**

**/s/ Andy Page, Council Member**

**/s/ John W. Cook, Council Member**

**/s/ Jenny Folsom, Council Member**

**/s/ Clint Hollingsworth, Council Member**

**ATTEST:**

**SEAL**

**/s/ Ruth W. Rose, City Clerk**

Council Member Hollingsworth seconded the motion to approve the resolution. Mayor Townson explained that citizens are being transported out of the city and county for treatment. The state has approved the number of beds for Cullman County and it is important to keep this allocation. Mayor Townson encouraged the Cullman County Commission and Cullman Regional Medical Center to work with the Cullman Area Mental Health Board to provide these services for our citizens. The motion to approve the resolution was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve a resolution to authorize the Mayor to sign an agreement with Goodwyn, Mills & Cawood to provide the requirements to apply for a low

interest loan with ADEM for the demolition of buildings that can not be restored on the Greif Brothers Property The following resolution was read:

**RESOLUTION No. 2010-18**

**AUTHORIZING MAYOR TO SIGN A CONTRACT FOR PROFESSIONAL SERVICES WITH GOODWYN, MILLS & CAWOOD, INC. FOR BUILDING DEMOLITION ON GREIF PROPERTY FUNDED BY A LOW INTEREST LOAN WITH ADEM**

WHEREAS, **Goodwyn, Mills & Cawood, Inc.** has presented a proposal to provide professional services related to demolition of buildings at Greif Brothers Property 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 **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 23<sup>rd</sup> day of November, 2009.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 23<sup>rd</sup> day of November, 2009.

/s/ Max A. Townson  
Mayor

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

Council Member Cook made a motion to approve the following Resolution for a tax abatement for Yutaka. The following resolution was read:

**Resolution 2010-19**

## **Tax Abatement for Alabama Cullman Yutaka Technologies Expansion**

This Resolution is made this 23<sup>rd</sup> day of November, 2009 by the **City of Cullman**, Alabama, to grant a tax abatement for **Alabama Cullman Yutaka Technologies (ACYT)**

WHEREAS, **Alabama Cullman Yutaka Technologies** has announced plans for purchasing new equipment that is a major addition to their existing facility and is located within the jurisdiction of the City of Cullman; and

WHEREAS, pursuant to the Tax Incentive Refprm Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), **Alabama Cullman Yutaka Technologies** has requested from the City of Cullman an Abatement of 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 all mortgage and recording taxes; and

WHEREAS, **Alabama Cullman Yutaka Technologies** has requested that the abatement of state and local non-educational ad valorem taxes be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, The City of Cullman has considered the request from **Alabama Cullman Yutaka Technologies** and the completed application (copy attached) filed with the City of Cullman by **Alabama Cullman Yutaka Technologies**, in connection with its request; and

WHEREAS, the City of Cullman has found the information contained in the **Alabama Cullman Yutaka Technologies'** application to be sufficient to permit the City of Cullman to make a reasonable cost/benefit analysis of the project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of \$2,750,000; and

WHEREAS, **Alabama Cullman Yutaka Technologies** 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 City of Cullman represents and warrants to **Alabama Cullman Yutaka Technologies** that it has power under the 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 City of Cullman as follows:

Section 1. Approval is hereby given to the application of **Alabama Cullman Yutaka Technologies** and abatement is hereby granted of 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 all mortgage and

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

Section 2. The Mayor and City Council Members for the City of Cullman is authorized to enter into the abatement agreement with **Alabama Cullman Yutaka Technologies** 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 **Alabama Cullman Yutaka Technologies** to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The Mayor and City Council Members of the City of Cullman are 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, of Alabama at a City Council Meeting held on the 23<sup>rd</sup> day of November, 2009.

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

ATTEST:

/s/ Ruth W. Rose, City Clerk

Transmitted to the Mayor this 23<sup>rd</sup> day of November, 2009.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this 23<sup>rd</sup> day of November, 2009.

SEAL

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

Council Member Folsom seconded the motion. President Gudger stated this will not abate educational taxes and will create 15 new jobs. The motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the resolution authorizing the Mayor to sign an agreement with St. John and Associates to provide services related to relocation storage building for a church near Royal Technologies. The following resolution was read:

**RESOLUTION NO. 2010-20**

**AUTHORIZING CONTRACT FOR PROFESSIONAL  
SERVICES FOR EAST CUMBERLAND PRESBYTERIAN CHURCH STORAGE  
BUILDINGS AND MODIFYING COUNTY ROAD 1601  
INDUSTRIAL PARK V - LOT 3**

WHEREAS, St. John and Associates have presented the attached proposal to provide professional services related to bidding the removal and relocation of East Cumberland Presbyterian Church Storage Buildings and Modifying the entrance drive into the Royal Technologies plant in the Cullman Industrial Park V- Lot #3 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 for an estimated cost of \$4,200.00.

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute an agreement with St. John and Associates 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 23<sup>rd</sup> day of November, 2009.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 23<sup>rd</sup> day of November, 2009.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 23<sup>rd</sup> day of November, 2009.

/s/ Max A. Townson  
Mayor

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

The following ordinance to revise the business license was read and this is the **Second Reading** and Council Member Folsom made a motion to approve the following Ordinance:

**ORDINANCE NO. 2010 - 02**

**AN ORDINANCE TO PRESCRIBE AND ESTABLISH LICENSES FOR THE PRIVILEGE OF ENGAGING IN OR CARRYING ON BUSINESS OCCUPATIONS, VOCATIONS, AND PROFESSIONS WITHIN THE CITY OF CULLMAN, ALABAMA FOR THE CALENDAR YEAR 2010 AND EACH SUBSEQUENT YEAR THEREAFTER**

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

**SECTION 1.** The following is hereby declared to be and is hereby adopted as the business license code for the City of Cullman for the year beginning January 1, 2010, and for each subsequent year. Pursuant to the provisions of Section 11-51-90 et seq of the Code of Alabama, 1975, as amended, there is hereby levied and assessed a business license fee for the privilege of carrying on any kind of business, trade, profession or other such activity in the City of Cullman, as follows:

**SECTION 2.** All persons and entities conducting business within the corporate boundaries of the City of Cullman shall be licensed under the applicable provisions of this Ordinance. Nothing in this Ordinance shall limit or abridge the right of the City through its City Council to change, modify or revoke any license obtained under this Ordinance.

**SECTION 3. Definitions.**

(1) **Business.** Each person firm, partnership, limited liability company, corporation, organization or association, membership cooperative, agency, group or other organization which shall engage in, practice, conduct or carry on any business, occupation, trade, vocation, profession or exhibition, offering merchandise for sale, performing services for a consideration, soliciting orders for goods or services, making deliveries of any merchandise, or engaging in business of any nature in the City of Cullman. For the purposes of Sections 4 and 5 of this ordinance, the term "business" shall include the owners, managers and officers of the business who bear responsibility for causing the business to comply with this Ordinance, where applicable.

(2) **Business License.** An annual license issued by the City of Cullman for the privilege of carrying on any business, trade, profession, or any other activity in the City, by whatever name called, which document is required to be conspicuously posted or displayed.

(3) **Business License Application.** The uniform municipal business license application used by each city to allow a business to notify the city of their intent to conduct business therein.

(4) **Business License Remittance Form.** Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

(5) **City Clerk/Treasurer.** The officer charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

(6) **Department or Department of Revenue.** The Alabama Department of Revenue.

(7) **Designee.** An agent or employee of the municipality authorized to administer and or/collect the Municipality's business license taxes, which may include another taxing jurisdiction, the

Department of Revenue, or a “private auditing or collecting firm.”

(8) **Gross Receipts.** The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

- A. Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: sales or seller’s use tax; utility gross receipts taxes levied pursuant to Article 3, Chapter 21, Title 40 of the Code of Alabama; license taxes levied pursuant to Article 2, Chapter 21, Title 40 of the Code of Alabama; state, county or municipal excise or sales taxes on the sale of gasoline or other motor fuels; or municipal sales or excise taxes on the sale of tobacco or tobacco products.
- B. A different basis for calculating the business license may be used with respect to certain categories of taxpayers as prescribed herein.
- C. For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3, Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between the municipality and a utility or other entity. The gross receipts derived from the furnishing of utility service shall not be subject to further business license taxation by the municipality.
- D. Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowings, the sale of corporate assets, the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.
- E. The gross receipts or gross sales referred to are those of such business for the year preceding the current license year; however, if the business was not operated the entire next preceding year, the license tax shall be based upon the ratio which the amount of sales or receipts during such preceding year bears to the portion of the year during which the business operated.

(9) **License Fee.** The business license tax or fee which is levied for the privilege of conducting business in the Municipality.

(10) **License Form.** Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

(11) **Licensee.** Any taxpayer or other person issued a business license under this ordinance and/or the person responsible for the payment of the license tax.

(12) **License Officer or Municipal License Officer.** The municipal employee who is primarily responsible for administration and collection of business license taxes and supervision of the municipality’s business license tax department.

(13) **License Year.** The calendar year.

(14) **Person.** Person means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or other legal entity.

(15) **Schedule of Licenses.** Schedule of licenses or schedule refers to the classifications included herewith, which describes the various business activities subject to this business license ordinance and specifies the applicable license tax rate for each activity.

(16) **Taxing Jurisdiction.** Any municipality that levies a business license tax.

(17) **Taxpayer.** Any person, firm, corporation, individual, association, estate, trust,

partnership, limited liability company, or other legal entity required to file a return with respect to, or pay or remit the business tax levied under this ordinance or to report any information to the taxing jurisdiction, or is required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction, or who may be affected by any act or refusal to act by the taxing jurisdiction under this ordinance.

(18) **U.S.C.** The applicable title and section of the United States Code, as amended from time to time.

(19) **Other Terms.** Other capitalized or specialized terms used in this Ordinance and, not defined above, shall have the same meanings ascribed to them in Section 40-2A-3, Code of Alabama, unless the context otherwise requires.

#### **SECTION 4. License Terms and Requirements.**

(A) Full Year. Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full.

(B) Half Year. Every person who commences business on or after July 1<sup>st</sup> shall be subject to and shall pay one-half the annual base license for such business for that calendar year; except when the license is based upon gross receipts, the amount due will be calculated based on one year's estimated gross receipts.

(B) Issuance Fee. For each license issued there shall be an issuance fee of ten dollars (\$10.00) and the issuance fee shall be collected in the same manner as the license tax.

(C) Annual Renewal. Except as provided in subsections (i) and (ii), the business license shall be renewed annually on or before the 31<sup>st</sup> day of January.

(i) If the due date for payment of any business license falls on a weekend or a holiday recognized by the City, the due date shall automatically be extended until the next business day.

(ii) Insurance company annual licenses shall be renewed in accordance with Section 11-51-122 of the Code of Alabama which states that on or before March 1<sup>st</sup> of each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties prescribed for doing business without a license as provided for in the municipal code.

(iii) On or before December 31<sup>st</sup> of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1<sup>st</sup> in order for them to receive their notice.

(iv) Sworn Statement. Applicants for a business license shall attach to the business license application, whether for an initial license or renewal notice, a sworn statement that all information contained in the application is accurate, complete and correct. No application shall be accepted without the sworn statement. Any business filing a business license application or license renewal application containing a false statement shall be liable under the penalty provisions of this Ordinance.

(v) Business license renewal payments received by the municipality shall be applied to the current renewal; only when any and other debts the licensee owes to the municipality

are first paid in full. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

(D) First Year License - (I) If the business or individual is procuring its very first Cullman license, then the initial year's total gross receipts of the business are to be estimated; and, then prior to the issuance of the next year's license, the amount previously estimated will be compared to the verified total receipts or sales of the initial year's operations, so that said first year's estimate shall be corrected; and, any additional amount owed on the first year's license as compared to the initial year's actual shall be paid with no penalty, if paid by the established time for the issuance of a new license; or, if necessary, a credit will be issued on the next year's license for any over estimation for said initial year. (II) The gross receipts or gross sales for such business for the year next following the initial year shall be the actual results of operations shall be based upon an amount of annualized receipts or sales. Such annualized receipts or sales shall be such amount that bears the same relationship to the actual amount of sales or receipts during such preceding year as the entire year bears to the number of days that the business was operated during its initial year of operations.

(E) Confidentiality. All applications for a business license and any related materials and information provided in connection therewith to the City by the business shall be held in strictest confidence by the City. Only the City Clerk-Treasurer, License Officer and those others authorized by the City shall have access to this information. The public shall have access only to the listing of names and addresses of those businesses holding a business license issued by the City. Department personnel may respond to inquires concerning whether or not a specific business holds a current business license.

(F) Payment Protection. Any first time licensee or transient merchant may be required by the City to pay the license fee in cash or by certified check before a business license is issued. Any licensee who has paid the business license fee in prior years with financial instruments that were returned unpaid to the City by the financial institution on which drawn may be required by the City to pay the license fee in cash or by certified check before a business license is issued.

#### **SECTION 5. Separate Licenses for each Business and/or Location**

(A) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.

(B) Any taxpayer engaged at one location in more than one line of business falling within separate NAICS sectors or sub-sectors, for which a business license is or may be required by the municipality, shall be issued and pay for a license for each separate business, vocation, occupation or profession engaged in.

(C) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of lack of a physical location.

#### **SECTION 6. Transfer of Business Physical Location.**

No license shall be transferred from one location to another except by the consent of the city clerk-treasurer or his/her designee, and no license shall be transferred from one business to another business. Provided that a mere change in the name or ownership of a taxpayer that is a

corporation, partnership, limited liability company or other form of legal entity recognized by the laws of Alabama shall not constitute a transfer, unless the change requires the taxpayer to obtain a new Federal Employer Identification Number or Department of Revenue Taxpayer Identification Number. No transfer shall be valid until the original license has been surrendered to the city clerk-treasurer or his duly authorized representative and a new license issued to the new owner. A licensee may move his place of business using the same license without charge only after meeting all the zoning and fire requirements and with the approval of the city clerk-treasurer, the license officer or designee in writing.

**SECTION 7. License to be Exhibited.**

Every person shall exhibit and display the license issued to him in some conspicuous place in his business establishment. Any business or non-resident person doing business within the city who does not have a permanent business location in the city shall carry such license either upon his person or in any vehicle or other conveyance which is used in such business, and such person shall exhibit the license to any authorized enforcement officer of the city when so requested. The holder of such license shall immediately show such license to the city clerk-treasurer, license inspector, license officer or duly authorized deputies, or to any police officer of the city upon being so requested by such person.

**SECTION 8. Unlawful to do Business without a License.**

It shall be unlawful for any person, taxpayer or agent of a person or taxpayer to wilfully engage in a business or vocation in the City of Cullman for which a license is required without first having procured a license that has not been revoked or suspended. A violation of this ordinance shall be punishable by a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense, and if a willful violation, by imprisonment not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

**SECTION 9. Reports.**

(A) It shall be the duty of every person, firm, partnership or corporation subject required to have a license under this Ordinance to render to the City of Cullman, on such forms as may be required, a sworn statement showing the total business done, amount of gross receipts, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, in order to ascertain their classification for license taxation purposes and the correct amount of license tax.

(B) If the license officer determines that the amount of business license tax reported on or remitted within any business license remittance form is incorrect, if no business license remittance form is filed with the time prescribed, or if the information provided on the form is insufficient to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the amount of business license tax, including any applicable penalty and interest.

(C) The license officer shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class or certified mail with a return receipt requested, or at the discretion of the officer deliver the preliminary assessment to the taxpayer by personal delivery.

(D) If the amount of business license tax remitted by the taxpayer is undisputed by the city, or if

the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipal license officer shall enter a final assessment for the amount of tax due, plus any applicable penalty and interest.

(E) If a taxpayer disagrees with a preliminary assessment as entered by the license officer, the taxpayer shall file a petition for review with the license officer within 30 days from the entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer shall schedule a conference with the taxpayer to discuss any omissions or errors, and to attempt to agree upon any changes or modifications to their respective position.

(F) If a petition for review is not timely filed, or upon further review the license officer determines that the preliminary assessment is due to be upheld in whole or in part, the municipality may make the assessment final in the amount of business license tax due as computed by the license officer, with applicable interest and penalty computed to the date of entry of the final assessment. The license officer shall, whenever practicable, complete his or her review of the taxpayer's petition for review and applicable law within 90 days following the later of either the date of filing of the petition or the conference, if any.

(G) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address by either first class mail or certified mail with return receipt requested in the case of assessments of business license tax of five hundred (\$500.00) dollars or less, or by certified mail with return receipt requested in the case of assessments of business license tax of more than five hundred (\$500.00) dollars. In either case, at the option of the City a copy of the final assessment may be delivered to the taxpayer by personal delivery. The final assessment shall include a statement informing the taxpayer of his or her right to appeal the final assessment to circuit court within 30 days from the date of entry of the final assessment.

#### **SECTION 10. Right to Inspect Records.**

Upon demand by the city clerk-treasurer or his authorized deputy, auditor, license inspector or license officer, it shall be the duty of any person subject to or holding a license from the city to furnish the city clerk-treasurer or his authorized representative, without delay, all such information as may be required for determination of the proper classification of such person for license taxation purposes, or for determination of the correct amount of license tax to which such person is subject; and to that end it shall be the duty of such person to submit to the city clerk-treasurer or his authorized representative, for inspection and examination, during reasonable business hours, at such person's place of business in the city, all books of accounts, invoices, bank statements, sales tax records, state and federal income tax records, reports and memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct license tax classification of such person may be ascertained, and the correct amount of such license to which such person is subject may be determined. It shall be unlawful for any person, or for any agent or employee of such person to fail or refuse to perform any duty imposed by this Ordinance, or to interfere with the city clerk-treasurer or his authorized deputy, auditor, license inspector, license officer or representative, in obtaining information necessary or convenient for determination of the proper license tax of such person. Each day's failure or refusal to perform any duty imposed shall constitute a separate offense.

#### **SECTION 11. Privacy.**

(A) It shall be unlawful for any person connected with the administration of this ordinance to

divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this Ordinance, except to the mayor, the city attorney or others authorized by law to receive such information described herein.

(B) It shall be unlawful for any person to print, publish or divulge, without the written permission of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the City, or upon order of any court, or as otherwise allowed in this Ordinance.

(C) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the city council upon their written request through the mayor's office. It shall be unlawful for any person to violate the provisions of this section.

#### **SECTION 12. Criminal Penalties.**

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty (\$50.00) and not more than five hundred (\$500.00) dollars, and may be sentenced to imprisonment for a period of not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

#### **SECTION 13. Procedure for Denial of New Application.**

(A) The License Officer shall have the authority to investigate all applications and may refer any application to the City Council for a determination of whether such license should be issued.

(B) If the City Council denies the issuance of any license referred to it, the City Clerk shall promptly notify the applicant of the City Council's decision.

(C) If the applicant desires to appear before the City Council to show cause why said license should be issued, he shall file a written notice with the City Clerk, said notice to be filed within two (2) weeks from the date of mailing by the City Clerk of the notice of denial of such license by the City Council.

(D) Upon receipt of said notice the City Clerk shall promptly schedule a hearing, to be held before the City Council and shall give notice of the date, time and place of said hearing to the applicant.

(E) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the City Council shall proceed to hear any evidence which may be presented, both for and against the issuance of said license.

(F) If the City Council determines from the evidence presented that in order to provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the residents of the City of Cullman said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fee.

#### **SECTION 14. Revocation or Suspension of License.**

(A) Any lawful license issued to any person to conduct any business shall be subject to revocation by the City Council for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any other ordinance of the City, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be

subject to revocation by the City Council if the licensee, his agent, servant, or employee under color of such license violates or aids and abets in violating or knowingly permits or suffers to be violated any penal ordinance of the City or any criminal law of the State of Alabama; and shall also be subject to revocation by the City Council if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

(B) The conditions herein above set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.

(C) The City Council shall set a time for hearing for the revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the city council shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal to renew, as the case may be.

### **SECTION 15. Delivery License.**

(A) In lieu of any other type of license, a taxpayer may at its option purchase for \$100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the City of Cullman if the taxpayer meets all of the following criteria:

1. Other than deliveries the taxpayer has no other physical presence in the City.
2. The taxpayer conducts no other business in the City other than delivering merchandise and performing the requisite set-up and installation of said merchandise.
3. Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in the City, and is done by means of delivery vehicles owned, leased or contracted for by the taxpayer.
4. The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed seventy-five thousand dollars (\$75,000) during the license year.
5. Any set-up or installation shall relate only to (i) that required by the contract between the taxpayer and the customer or as may be required by state or local law, and (ii) the merchandise so delivered.
6. If at any time during the current license year the taxpayer fails to meet any of the above stated criteria, the taxpayer shall immediately purchase all business licenses from the City for the entire license year and without regard to this section.

B. Mere delivery of the taxpayer's merchandise by common carrier shall not allow the City to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of a common carrier shall be counted against the seventy-five thousand (\$75,000) limitation described in the preceding section if the taxpayer also during the same license year sells and delivers into the taxing jurisdiction using a vehicle other than a common carrier.

C. A common carrier, contract carrier or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

D. The purchase of a delivery license shall not, in and of itself, establish nexus between the taxpayer and the City for purposes of the taxes levied by or under the authority of Title 40 of the Code of Alabama or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the City

**SECTION 16. Refunds.**

Any taxpayer may file a petition for refund of overpayment of business license tax erroneously paid to the City of Cullman, provided all taxes that are due at the time of filing of the petition have been paid in full. A petition for refund shall be filed with the City within two years from the date of payment of the business license tax which is the subject of the petition.

**SECTION 17. Penalties and Interest.**

(A) All licenses not paid on or before the date they fall due shall be assessed a penalty of fifteen (15) percent. There shall be assessed a penalty of thirty (30) percent if the license and assessed penalties are not paid within thirty (30) days of the due date.

**SECTION 18. North American Industrial Classification System (NAICS)**

Every taxpayer required to purchase a business license under this ordinance shall:

- a. Purchase a business license for each location at which it does business in the city.
- b. Except as provided in Section 11-51-193, Code of Alabama, 1975, be classified into one or more of the following 2002 North American Industrial Classification System (“NAICS”) sector and applicable sub-sectors, industry groups, industries and U.S. Industries:

**SECTION 19. License Fee Schedules.**

The following is hereby established as the schedule of fees to be used for the calculation of amounts to be paid by taxpayers engaged in various businesses, professions, trades or other such activities in the City of Cullman:

**SCHEDULE A**

**ADVERTISING**

- a. Buyers or shoppers guide. Each publication which consists primarily of advertising sold by single copy or distributed at no cost-----\$100.00 Plus 1/6 of 1% above \$10,000.
- b. Advertising solicitor selling advertising to local businesses for publications, programs, calendars or other like materials not produced or printed in the City of Cullman ----- \$100.00 Plus 1/6 of 1% above \$10,000.
- c. On vehicles, per panel-----\$100.00
- d. With sound truck or loudspeaker-----\$250.00
- e. Radio or Television advertising or soliciting-----\$100.00 Plus 1/6 of 1% above \$10,000.
- f. Each person, firm or corporation compiling directory advertising----- \$250.00
- g. Billboards----- \$150.00
- h. Telemarketing–Selling coupon books, merchandise or similar solicitation---\$250.00

**SCHEDULE B**

**BAIL BONDS**

On gross receipts less than \$25,000-----\$250.00 Plus 1/10 of 1% above \$25,000.

**SCHEDULE C**

**CONTRACTORS AND SUBCONTRACTORS**

First \$10,000 of contract-----\$100.00 Plus 1/10 of 1 percent above \$10,000.

A. No permits for work of any kind for which a license is required shall be issued to a contractor, owner or any authorized agent until all license taxes have been paid, unless herein otherwise provided.

B. All general contractor shall upon request furnish the building inspector or the license officer with a full and complete list showing the names, addresses and license numbers of all subcontractors to whom any work has been let or sub-let to be done, and will not allow any work to be done by such sub-contractor until required licenses due by said subcontractor have been paid. If all subcontracts have not been closed or awarded at the time application is made for a permit by the general contractor or by the owner, the general contractor or the owner shall not allow any work to proceed by any subcontractor until such subcontractor has exhibited to him his city license for the work to be done on the job, unless he is certified by the license department or by the building inspector as having paid the city license due. In the event that no general contract has been let by the owner, then the owner shall be subject to all the provisions herein required of general contractors.

C. Contractors engaged solely in the demolition of buildings declared sub-standard under the ordinances and codes of the City of Cullman.

D. A builder constructing houses on lots owned by himself to sell or rent shall pay \$100.00 plus 1/5 of 1 percent of the cost of house and lot when completed.

E. Contractors shall provide the City of Cullman a copy of general liability insurance before a license or permit shall be issued.

**SCHEDULE D**

**DISTRIBUTION CENTERS**

Where total floor space in said distribution center is 20,000 square feet or less----\$100.00

An addition license of 3/10 of 1% per square foot shall be paid in excess of 20,000 square feet

**SCHEDULE F**

**CARPET GOLF, DRIVING, OR PUTTING RANGE**

Per Year -----\$100.00

**SHOOTING OR TARGET RANGE**

Per Year-----\$100.00

**BILLIARDS OR POOL ROOM**

First Table-----\$200.00

Each Additional Table-----\$25.00

**CIRCUSES OR CARNIVALS**

Per Day-----\$250.00

Carnivals, per week----- \$1,000.00

**BOXING, WRESTLING, CONCERTS, ARTS, CRAFTS, OR OTHER EVENTS**

Per Day ----- \$100.00

TREE SURGEON-----\$100.00

WRECKER SERVICE-----\$100.00

EXPRESS COMPANY-----\$250.00

TRANSPORTATION, HAULING, TAXI, AND OTHER-----\$100.00 Per Vehicle

**DELIVERY OR UNLOADING LICENSE**

Any person who unloads, delivers, distributes or disposes of any goods, wares or merchandise which was transported from a point without the city to a point within the city, and which is not covered by any other license herein-----\$100.00

**SCHEDULE G**

GAS COMPANY - Natural Gas 5% of gross income

**GASOLINE, DIESEL, ETC - WHOLESALE**

First 1,000,000 gallons-----\$200.00

Per million on next 5,000,000----- \$50.00

Per million on next 5,000,000----- \$25.00

Per million on next 11,000,000-----\$20.00

**GASOLINE STATIONS**

One nozzle-----\$25.00

Each additional nozzle----- \$12.50

**SCHEDULE I**

ALL TRANSIENT OR ITINERANT VENDORS

Per Day -----\$500.00

**SCHEDULE K**

DAY CARE-----\$150.00 per year

KINDERGARTEN----- \$250.00 per year

**SCHEDULE L**

PAWN BROKERS & TITLE PAWN-----\$500.00 per year

FINANCING, MORTGAGES & LOANS----- \$250.00 per year

**SCHEDULE M**

MANUFACTURING

On gross receipts less than \$100,000-----\$100.00

Over \$100,000 and less than \$500,000-----\$300.00

Over \$500,000, less than \$1,000,000-----\$400.00

Over \$1,000,000, less than \$5,000,000-----\$750.00

Over \$5,000,000, less than \$10,000,000----\$1,250.00

Over \$10,000,000, less than \$15,000,000---\$1,800.00

Over \$15,000,000, less than \$20,000,000---\$2,250.00

Over \$20,000,000-----\$2,750.00

**SCHEDULE O**

OCCUPANCY HOSPITALS, NURSING HOMES, OR ASSISTED LIVING  
10 beds or less-----\$100.00  
Each additional bed-----\$5.00

MOTELS AND HOTELS  
25 rooms or less-----\$100.00  
Each additional room-----\$5.00

TRAILER OR MOBILE HOME PARKS (RENTAL)  
25 spaces or less-----\$100.00  
Each additional space-----\$5.00

**SCHEDULE P**  
**PROFESSIONAL**

\$150.00 Plus 1/5 of 1 percent of gross receipts above \$25,000  
Provided further, that any Professional licensed under this Section whose compensation is based on salary alone shall pay the \$150.00 minimum license.

**SCHEDULE R**

**MERCHANT RETAIL, RENTAL, OR LEASING**  
\$100.00 Plus 1/6 of 1 percent of gross receipts above \$10,000

**MOBILE HOMES, RECREATIONAL VEHICLES, TRAILERS, OR BOATS**  
\$100.00 Plus 1/6 of 1 percent of gross receipts above \$10,000

**BEAUTY SALON, BARBERSHOP, SKATING RINK, BOWLING ALLEY, OR DANCE HALL**  
\$100.00 Plus 1/6 of 1 percent of gross receipts above \$10,000

**SCHEDULE S**  
**STOCK YARDS**

Less than 15,000 head per year-----\$100.00  
Less than 25,000 head----- \$125.00  
Less than 35,000 head----- \$150.00  
Less than 45,000 head----- \$175.00  
Less than 55,000 head----- \$200.00  
Less than 65,000 head----- \$225.00  
Less than 75,000 head----- \$250.00  
Less than 100,000 head----- \$275.00  
100,000 head and over----- \$300.00

**SCHEDULE U**

**UNDERTAKER, FUNERAL HOME**  
Funeral home, director, undertaker or mortician---\$200.00 Plus, 1/10 of 1% over \$50,000.

**SCHEDULE V**

**NEW OR USED MOTOR VEHICLES**

First 200 new vehicles \$200.00 Plus \$2.00 per new vehicle over 200

First 125 used vehicles \$125.00 Plus \$1.00 per used vehicle over 125

**SCHEDULE W**

**MERCHANT WHOLESALERS**

First \$50,000-----\$100.00

All over \$50,000 ----- \$100.00 Plus 1/10 of 1 percent of gross receipts

**SCHEDULE X**

**VENDING MACHINES**

Every person who possesses and operates or maintains for operation by others any mechanical device or machine for vending or dispensing merchandise or articles of any kind upon deposit therein of coins or paper money, shall pay in addition to all other licenses herein fixed and required to be paid:

A. All kinds of vending machines with edible foods or drinks-----See Retail Merchant Rates

B. Coin operated electronic video games, music and machines-----\$50.00 Per Machine

**SCHEDULE Y**

**RUMMAGE, YARD OR LIKE SALES**

Each person holding a garage, yard, backdoor, basement, lawn or sale of like type at his or her residence shall be required to purchase a permit. No more than two permits per year will be issued at the same residence. Any valid complaint as to nuisance or other violation of law will constitute authority to refuse to issue additional permits. Permits must be obtained from the City Clerk’s office before sale begins. This section shall not apply to churches or charitable organizations. Per Day-----\$5.00

**SCHEDULE Z**

**FORTUNE TELLER, PALMIST, ASTROLOGER, OR CLAIRVOYANT**

Each Person shall pay \$1,000.00 (The City Council reserves the right to approve/reject.)

Where no license as specified in any of the above schedules applies to a business, trade, profession or occupation carried on within the City of Cullman, then the Mayor, City Clerk and License Officer are empowered to set a fair license for said business, trade, profession or occupation.

**SCHEDULE STATE REGULATED LICENSES**

**RAILROADS**

Maintaining a ticket or freight office-----\$480.00 Plus the additional charge specified in Section 11-51-124, Code of Alabama 1975, per 1,000 inhabitants above 14,000 according to the 2010 or later federal census.

**TELEPHONE COMPANY**

Local - \$ 750.00 plus the additional charge specified in Section 11-51-128, Code of Alabama

1975, per 1,000 inhabitants above 14,000 according to the 2010 or later federal census Long Distance - \$188.00 plus the additional charge specified in Section 11-51-128, Code of Alabama 1975, per 1,000 inhabitants above 14,000 according to the 2010 or later federal census.

**BANKS & SAVINGS AND LOAN ASSOCIATIONS**

Where capital surplus and undivided profits are

\$50,000 or less-----	\$10.00
More than \$50,000 but less than \$100,00-----	\$20.00
More than \$100,000 but less than \$150,000-----	\$30.00
More than \$150,000 but less than \$200,000-----	\$40.00
More than \$200,000 but less than \$250,000-----	\$50.00
More than \$250,000 but less than \$300,000-----	\$60.00
More than \$300,000 but less than \$350,000-----	\$70.00
More than \$350,000 but less than \$400,000-----	\$80.00
More than \$400,000 but less than \$450,000-----	\$90.00
More than \$450,000 but less than \$500,000-----	\$100.00
More than \$500,000 but less than \$600,000-----	\$110.00
Any sums in excess of \$600,000 -----	\$125.00
Each branch bank-----	\$10.00

The term “undivided profits” as used herein shall be construed to mean the undivided profits as shown by the books of the bank, and all payments shall be based on the report made by the bank to the State Superintendent of Banks next preceding January 1<sup>st</sup>.

**INSURANCE - FIRE & MARINE**

Four percent (4%) of premiums collected the previous year within the City of Cullman, provided that if the company did no business in the City during the previous year, the annual license shall be \$10.00.

**INSURANCE - OTHER THAN FIRE & MARINE**

Annual License shall be \$20.00 plus \$1.00 on each \$100.00 and major fraction thereof on gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of the City of Cullman.

**TATTOO, BRANDING, & BODY PIERCING**

Annual fee for the first year or any portion thereof is \$1,000.00, and each renewal year thereafter is \$100.00 plus \$1.00 on each \$100.00 and any fraction thereof on gross receipts received during the preceding year on all income. For other information, see Ordinance 2009-18.

**SECTION 20. City of Cullman License Classification Schedule:**

<b>NAICS CODE</b>	<b>DESCRIPTION</b>	<b>RATE SCHEDULE</b>
541191	Abstracts, real estate	P
721110	Accommodations - Hotels & Motels	Q
721191	Bed & Breakfast Inns	Q

541211	Accountants & CPA's	P	
541219	Other Accounting & Consulting Services	P	
541810	Advertising Agencies	A	
541890	Misc. Services related to Advertising	A	
561422	Telemarketing	A	
238220	Air Conditioning Contractors (State Certification)	C	
561621	Alarm security systems and service	R	
621910	Ambulance Services	P	
332993	Ammunition Production, reloading	M	
713120	Amusement Arcades & Machines	X	
812910	Animal Grooming-see Pet Care	R	
561499	Answering Service-see Business Support	P	
315999	Apparel manufacturing	M	
811412	Appliance Repair & Maintenance	C	
443111	Appliance Stores	R	
541310	Architects	P	
561613	Armored Car Services	F	
611610	Arts-Fine arts school & Arts & Crafts Exhibits	P, L	
453920	Art Dealer Supplies & Crafts	R	
711310	Arts, Sports, Dance, Musical, Promoters	P	
324121	Asphalt Manufacturing (paving mix & block)	M	
623110	Assisted Living (see Nursing Care Facilities)	Q	
541110	Attorneys/Lawyers	P	
441110	Automotive Vehicles-New	V	
441120	Automotive Vehicles-Used	V	
811118	Automobile Cleanup - detailing	R	
525990	Automobile financing (other financing)	L	
811122	Automotive glass replacement & tinting	R	
811191	Automotive oil change & lubrication		R
532111	Automobile Rental	R	
811121	Automobile Paint/Body/Interior Repair	R	
811192	Automobile Quick Car Wash	R	
811111	Automotive - general repair (garages)	R	
441310	Automotive Parts & Accessories Store	R	
441320	Automotive Tire & Tube Dealer	R	
441311	Automobile tires, tubes, batteries - Itinerant	I	
812990	Bonds - Bail Bonds	B	
238190	Awning Construction & Installation	C	
311811	Bakeries, retail	R	
424990	Bakeries, commercial, wholesale	W	
522110	Banks - Main	STATE	
522111	Bank - Branch	STATE	
812111	Barber Shop	R	
446120	Beauty supplies, cosmetics	R	
812112	Beauty Salons		R
910002	Billiards or Pool Room	F	

441222	Boats	R
451211	Bookstore - new	R
451212	Bookstore - used	R
541219	Bookkeeping	P
312212	Bottlers, distributors, water, soft drinks, breweries	W
713950	Bowling Centers	F
322211	Box or crate manufacturers	M
327121	Brick, cement block or clay tile manufacturers	M
236119	Builders - spec houses	C
236110	Builders, residential-subdivision	C
237991	Building equipment & mechanical equipment	C
541350	Building Inspection Services	P
238310	Building Insulators	C
444130	Building materials, hardware, home center	R
444190	Building Material Dealers - other	R
423990	Burial vaults, monuments	M
564199	Business Support Services - misc.	P
337110	Cabinet Shop, Counter tops, etc	C
238350	Carpentry & Installing Cabinets	C
561740	Carpet & Upholstery Cleaning	C
722110	Caterers	R
812220	Cemeteries & Crematories	R
485510	Charter Bus	F
325998	Chemical Mfg-fertilizer, wood, pesticide, paint	M
424690	Chemical Sales	W
621310	Chiropractor	P
327310	Cement Manufacturing	M
711310	Circuses	F
448140	Clothing Stores - family	R
561450	Credit Bureau/Collection Agency	P
811213	Communications Equipment-repair	C
443120	Computer & Software Stores	R
811212	Computer Equipment Repairs	C
238110	Concrete Foundation & Structure	C
327331	Concrete block, brick, ceramic, tile, clay, pottery	C
327320	Concrete Ready-Mix	M
492110	Couriers	R
235510	Maintenance Contractors	C
236118	Residential Remodeling & Handyman	C
236119	Residential home builder/spec houses	C
236220	Residential home builder, subdivisions	C
236221	General contractors-commercial bldg.	C
237130	Power & Communication Line	C
237310	Paving Contractor, asphalt & sealing	C
237990	Heavy Const. - bridges, streets, water & sewer	C
237991	Building Equipment & Mechanical	C

239110	Concrete Contractor	C
238115	Well Drilling & Irrigation	C
238120	Structural Steel Erection	C
238130	Framing Contractors	C
238140	Masonry, stone & brick Contractors	C
238150	Glass & Glazing	C
238160	Roofing Contractor	C
238170	Siding & Sheet Metal	C
238190	Welding Contractor, Awning	C
238210	Electrical Contractor	C
238220	Air Conditioning & Heating	C
238221	Plumbing/Fire sprinkler installation	C
238290	Elevator & Other Building Equipment	C
238310	Drywall, acoustical, insulation & plastering	C
238320	Painting & Wall Covering	C
238330	Floor Covering & Sanding	C
238340	Tile, marble, terrazzo & mosaic	C
238350	Carpentry & Cabinet Work	C
238390	Other (water proofing, fence, wood working, etc)	C
238910	Excavation & Site Development	C
238911	Demolition & Wrecking	C
238990	Miscellaneous - Other Specialty	C
445120	Convenience Stores	R
492110	Couriers	R
522390	Credit Services	P
424990	Dairy & Dairy Products	W
624410	Day Care (adult & child day care)	F
492210	Delivery	F
339116	Dental Laboratory	P
621210	Dentist, dental surgeon, orthodontist	P
451990	Department Stores - Other	R
561611	Detective & Investigative Services	P
812191	Diet & Weight Reducing Centers	P
621512	Diagnostic Imaging Centers	P
541890	Directory - Compiling & Selling	A
930006	Distribution Center	D
446110	Drugstores & Pharmacies	R
812320	Dry Cleaning & Laundry Services	R
238310	Drywall	C
611699	Educational Services (Misc. Schools)	P
811219	Electronic Equipment - Repair	C
561310	Employment Agency	P
611691	Exam Preparation & Tutoring	P
484110	Express Companies	F
561710	Exterminating Services	R
448140	Family Clothing	R

311119	Feed Mills	M
238390	Fence	C
713940	Fitness & Sports Centers	P
453212	Flea Market	R
453110	Florist	R
442210	Floor Covering Store	R
722330	Food Service-Mobile Units	R
812199	Fortune Tellers	Z
488510	Freight Transportation	F
454391	Fruit & Produce Dealer	R
454392	Itinerant Peddler (Fruit, etc)	I
444220	Fruit Trees & Nursery Stock	R
812210	Funeral Homes & Services	U
337129	Furniture Manufacture	M
442110	Furniture Stores	R
442111	Furniture Dealer-Itinerant	I
811420	Furniture repair and Upholstery	R
238222	Gas Fitters	C
454312	Gas-Liquid Petroleum, butane, propane	G
447110	Gasoline - Retail	G
424720	Gasoline - Wholesale	G
452990	General Merchandise Stores	R
238991	Glass & Glazing - Itinerant	I
445110	Grocery Stores, Supermarkets	R
451110	Guns, pistols, firearms & ammo	R
446191	Health Food Stores	R
444130	Hardware Stores	R
484110	Hauling for Hire	F
621999	Health Care Services	P
451120	Hobby, toy & game stores	R
444110	Home Centers	R
442299	Home Furnishing Stores	R
623312	Homes for Elderly	Q
621610	Home Health Care Services	P
532291	Home Health Equipment & Rental	R
531330	Home Inspections	P
622110	Hospitals - General, Medical & Surgical	Q
443111	Household Appliances	R
238990	House Movers	C
238310	Insulation	C
524113	Insurance - Casualty, Life	STATE
524126	Insurance - Property, Marine, Fire	STATE
541410	Interior Design	P
518111	Internet Service providers, Web sites	P
561611	Investigation Services	P
523110	Investment Banking & Securities	P

561720	Janitorial Services	C	
448310	Jewelry Stores	R	
323114	Job Printing	M	
711310	Judo, Karate	P	
621492	Kidney Dialysis	P	
561730	Landscaping	C	
561731	Lawn Care (mowing only)	C	
812320	Laundry - Dry Cleaning	R	
812331	Laundry - Linen Service	R	
812333	Itinerant Linen & Uniform Supply	I	
812310	Laundry & Dry Cleaning (coin operated)	R	
485320	Limousine Service	F	
311991	Food Manufacturer & Processing	M	
312111	Beverage Manufacturer-soft drinks	M	
312112	Bottled Water Manufacturer	M	
312113	Ice Manufacturer	M	
313111	Yarn spinning mills	M	
313112	Textile mfg-fabric, yarn, carpet, canvas, rope	M	
314129	Other mill operations (rugs, linens, curtains)		M
315999	Miscellaneous Apparel	M	
316993	Leather Mfg.-shoes, luggage, handbags	M	
522310	Loan Brokers, mortgage & non-mtg	L	
492210	Local Messengers & Delivery	R	
561622	Locksmiths	R	
444190	Lumber & Building Material Dealers	R	
444191	Itinerant Lumber & Bldg Material Dealers	I	
339999	Lumber Manufacturing	M	
332710	Machine Shop-metal fabrication	M	
561431	Mail Centers	R	
551990	Management Companies	P	
321214	Truss Manufacturing	M	
321911	Wood window & door mfg.	M	
322211	Corrugated & solid fiber box mfg.	M	
322229	Paper mfg.-pulp, paper, stationary, tubes	M	
323110	Printing mfg.-screen, digital, lithographic	M	
323114	Quick Printing	R	
324121	Asphalt paving & block mfg.	M	
424199	Petroleum & coal products mfg.	M	
325510	Paint & coating manufacturing	M	
325998	Misc. chemical products	M	
326291	Plastics & rubber-tires	M	
327310	Cement Manufacturing	M	
327320	Ready mix concrete mfg.	M	
327331	Concrete Block & Brick	M	
327332	Concrete Pipe Manufacturing	M	
327390	Misc. Concrete Manufacturing	M	

331521	Aluminum Die-casting Foundry	M	
332999	Misc. fabricated metal products	M	
333512	Machine Tool Manufacturing	M	
333514	Special tool & die, jig & fixture mfg.	M	
333518	Misc. Metal Working Machinery	M	
333999	Misc. General Purpose Machinery	M	
334419	Misc. Electronic Component Mfg.	M	
335211	Electric Housewares & Fans Mfg.	M	
335228	Misc. Household Appliance Mfg.	M	
336999	Misc. Transportation Equipment	M	
337110	Kitchen Cabinets & Countertops	M	
337910	Mattress Manufacturing	M	
339114	Dental Equipment & Supplies	R	
339116	Dental Laboratories	P	
339950	Sign Manufacturing	M	
339999	Misc. Manufacturing	M	
453930	Mobile Home Dealers	V	
441221	Motorcycle Dealers	R	
512131	Motion Picture Theaters	R	
484110	Motor Freight Lines	F	
441110	Motor Vehicles - new	V	V
441120	Motor Vehicles - used	V	
488410	Motor Vehicle Towing	F	
488420	Motor Vehicle Towing-Itinerant	I	
484210	Moving (household & office goods)	F	
812113	Nail Salons	R	
511110	Newspaper publishing & printing	M	
451212	News Dealers & News Stands	R	
623110	Nursing Care Facilities	P	
623312	Nursing Homes - Homes for Elderly	Q	
624190	Miscellaneous Family Services	P	
561499	Office (maintaining an office)	P	
621320	Optometrists	P	
446130	Opticians	R	
453210	Office Equipment, Fixtures, Furniture Supplies	R	
454390	Other Services (direct selling)	I	
621498	Outpatient Care Centers	P	
444120	Paint & Wallpapers Stores	R	
325510	Paint & Coating Manufacturing	M	
485321	Passenger Transportation-bus, taxi, limo, buggy	F	
522298	Pawnbrokers, title pawn, merchandise	L	
454391	Peddlers License	I	
812990	Personal Services-Misc.	P	
812910	Pet Care Services & Grooming	R	
453910	Pets & Pet Supplies	R	
454312	Petroleum-LP gas & other	G	

446110	Pharmacies & Drug Stores	R	
541921	Photography Studios	R	
541922	Itinerant Photography		I
621111	Physicians	P	
910002	Pool Room	F	
561790	Pressure Washing	L	
323113	Printing - Commercial	M	
711310	Professional Boxing & Wrestling	F	
541990	Professions & Vocations, Misc.	P	
711320	Promoters of Events	F	
443112	Radios, Televisions & Others	R	
482111	Railroads		STATE
531210	Real Estate Brokers	P	
531320	Real Estate Appraisers	P	
512240	Recording Companies & Studios	P	
441210	Recreational Vehicle Dealers	V	
238224	Refrigeration	C	
532310	Rental & Leasing - all Tangible Property	R	
532230	Rental - Movies & Videos	R	
532299	Misc Consumer Goods Rental	R	
532310	Rental Centers	R	
811412	Repairs-Appliances, Home & Garden Equipment	R	
722110	Restaurants - Full Service	R	
722211	Restaurants - Limited Service	R	
453998	Retail Miscellaneous	R	
811420	Upholstery & Furniture Repair	R	
517410	Satellite Telecommunications	R	
522120	Savings & Loan Associations		STATE
611699	Schools (misc., kindergarten)		O
523999	Securities, Brokerage, Investments	P	
561499	Security Guards & Patrols	R	
561621	Security Systems	R	
562991	Septic Tank Services	C	
611699	Service (technical, computer, sports, business)	R	
811490	Sewing Machines	R	
811430	Shoe Repair Shop	R	
448210	Shoe Stores	R	
238223	Sprinkler Installers	C	
454390	Solicitors & Agents	I	
452910	Super Centers	R	
541370	Surveying & Mapping	P	
812199	Tanning Salons	R	
541213	Tax Services & Bookkeeping	P	
485310	Taxi Service	F	
541990	Taxidermist	P	
517910	Telecommunications	R	

561422	Telemarketing Bureaus	A	
517310	Telephone - Local Exchange	STATE	
517320	Telephone - Long Distance	STATE	
517212	Telephone - Cellular, Wireless, Paging	R	
517315	Telephone & Communications Equipment	R	
561422	Telemarketing	A	
515120	Television Broadcasting	A	
512131	Theaters (motion picture)	R	
711110	Theater Companies & Dinner Theaters	R	
326212	Tire Retreading or Recapping	R	
453991	Tobacco Stores	R	
561510	Travel Agencies	P	
561732	Tree Surgeons	F	
532120	Truck, Trailer, RV Rental & Leasing		R
611691	Tutoring	P	
812210	Undertaker	N	
999111	Unloading (delivery)	F	
910001	Vending Machines	V	
541940	Veterinarians	P	
493110	Warehousing & Storage	R	
531130	Warehouses-Mini & Self Storage	R	
562119	Waste Collection Contractors	C	
238390	Water Proofing	C	
423990	Wholesale Dealers (durables)	W	
424990	Wholesale Dealers (non-durables)	W	
238390	Wood Working	C	
488410	Wrecker Service	F	
488411	Wrecker Service - Itinerant	I	
812990	Where no License is Specified	Z	
	(All other personal services)		

### **SECTION 21. Compliance with Other Laws and Ordinances**

Prior to the issuance of any business license, the applicant shall certify to the City on such forms as the City Clerk/Treasurer may prescribe, that the applicant is in compliance with all existing city, county, state and federal laws, ordinance and regulations, including but not limited to, zoning, building codes, fire codes and health department regulations. In the event a licensee fails to comply with any ordinance, statute or regulation applicable to said license, the City Council or the City of Cullman or its designee may suspend said license until the licensee can certify compliance.

### **SECTION 22. Payment of License by Check**

Whenever a license or license receipt shall be issued upon payment for the license by check, the same shall not be valid or of force or effect unless such check shall be duly paid upon presentation to the drawee.

### **SECTION 23. Authority to Change License Schedule**

The adoption of the license schedule shall not abridge the right of the city council to change, alter, increase, decrease or revoke any of such licenses at any time, nor shall it abridge the right of the city council to require a license for any business, occupation, vocation or profession not included in this schedule.

**SECTION 24. Severability**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs or sections, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 25. Repealer**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 26. Effective Date**

This ordinance shall become effective on and after January 1, 2010.

ADOPTED this the 23<sup>rd</sup> day of November 2009.

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

ATTEST:

/s/ Ruth W. Rose  
City Clerk

TRANSMITTED to the Mayor this the 23<sup>rd</sup> day of November 2009.

/s/ Ruth W. Rose  
City Clerk

APPROVED this the 23<sup>rd</sup> day of November 2009.

/s/ Max A. Townson  
Mayor

Council Member Cook seconded the motion to approve the ordinance and ordinance was passed by a voice vote. Ayes: All. Nays: None.

President Gudger stated the next item was added to the agenda to authorize the Mayor to sign an agreement with Conn Surveyors, LLC for work to be done in the Industrial Park V Lot 3-A.

Council Member Cook made a motion to adopt this resolution. The following resolution was read:

RESOLUTION No. 2010-21  
AUTHORIZING CONTRACT FOR PROFESSIONAL  
SERVICES WITH CONN SURVEYORS, LLC  
INDUSTRIAL PARK V - LOT 3-A

WHEREAS, Conn Surveyors, LLC has presented the attached proposal to provide professional services related to surveying property near Cullman Industrial Park V - Lot 3-A hereafter referred to as the "Project", and

WHEREAS, the City has considered the scope of work which includes writing 3 or 4 legal descriptions in the proposal for an estimated \$800.00, and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with 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 Conn Surveyors, LLC for and on behalf of the City of Cullman to perform the service related to the Project as set out in the proposed agreement for services.

ADOPTED this the 23<sup>rd</sup> day of November, 2009.

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

ATTEST

/s/ Ruth W. Rose  
City Clerk

Transmitted to the Mayor this the 23<sup>rd</sup> day of November, 2009.

/s/ Ruth W. Rose  
City Clerk

APPROVED by the Mayor this the 23<sup>rd</sup> day of November 2009.

/s/ Max A. Townson  
Mayor

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

President Gudger recognized Ms. Lucille N. Galin, former City Clerk, who was present tonight.

She will be moving to Northport, AL this week and we all will miss her. She has devoted her life to the citizens of Cullman and Cullman County. She has served over 56 years as County Clerk and City Clerk. This is truly a dedicated lady who is appreciated by all of us. This auditorium was named in her honor and we will think of her on each council meeting. We all wish her the best on her move.

Mayor Townson wanted to say a special thank you to her also and wanted everyone to know she is returning close to Tuscaloosa where she attended college. He also said she will be getting the local newspapers delivered to her to keep up with the local news. Council Member Hollingsworth voted to not accept her letter of resignation and keep her here as long as possible. Council Member Folsom seconded the motion and Council Member Page corrected President Gudger on his calculations of the total number of council meetings attended by Ms. Galin. Everyone is invited to come by for cake and coffee on Wednesday beginning 11:00 a.m.

Being no further business to come before the Mayor and Council a motion to adjourn was made by Council Member Hollingsworth. Council Member Cook seconded the motion and meeting was adjourned at 7:35 pm.