

**CULLMAN CITY COUNCIL MEETING
MONDAY, OCTOBER 24th, 2011
LUCILLE N. GALIN AUDITORIUM**

Council President Garlan E. Gudger Jr. called the Cullman City Council Meeting to order at 7:00 p.m. on Monday, October 24th, 2011. Police Chief Kenny Culpepper presented the invocation.

A roll call by City Clerk Ruth W. Rose reflected the following: Present - Mayor Max A. Townson, Council Member Andy Page, Council Member Clint Hollingsworth, Council Member Johnny Cook, Council Member Jenny Folsom and President Garlan E. Gudger, Jr. Also present were City Attorney Roy Williams and City Accountant Wesley M. Moore. Absent: None.

Council President Gudger asked the Council to consider the minutes from October 10th, 2011. Council Member Cook made a motion to suspend the rules. Council Member Folsom seconded the motion and the motion was approved by a voice vote. City Clerk Ruth Rose polled the Council Members: Council President Gudger: Aye. Council Member Folsom: Aye. Council Member Page: Aye. Council Member Hollingsworth: Aye. Council Member Cook: Aye. Nays: None.

Council Member Cook made a motion to approve the minutes of September 26th, 2011 as written. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook made a motion to add #7 under Roman Numeral VIII which is a request from Mr. Ron Pierce of the Downtown Merchants to host Cullman Christmas Open House Event on November 12th & 13th and a Christmas Parade on November 12th at 9:30 a.m. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to add #8 under Roman Numeral VIII which is a request from Superintendent Mason Kugler of the Garage to go to bid on a five ton crane to be installed at the New City Garage. Council Member Hollingsworth seconded the motion and the 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 - No Report.

Council Member Jenny Folsom - Finance Committee - No Report.

REPORTS OF OFFICERS

No Report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Bo Waldrep, owner of the East Side Barbershop, appreciated the Mayor and Council for the support in rebuilding the Downtown Cullman area.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Mr. Bill Tomlin of The Local Standard for an approval letter for a restaurant retail liquor on-premises license which had a favorable

recommendation from the Alcohol Review Committee. Council Member Folsom seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Gudger stated that the request from Mr. Joe Hill of Boots Hill LLC for the City to vacate a five foot strip of land across the middle of part of Lot No. 238 owned by Boots Hill LLC and Dr. George Ingram will be referred to the Planning Commission.

Council President Gudger stated that the request from the Evelyn Burrow estate for the City to annex their property located at County Road 222 into the city limits of Cullman will be addressed shortly.

Council Member Page made a motion to approve the request from Ms. Tonya Cupp of West Elementary School to host a 5K and 1 mile fun run on Saturday, December 10th, 2011 starting at 8:00 a.m. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from WWTP Superintendent Jeff Adams to go out to bid for two work trucks at an estimated budgeted amount of \$48,400. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request from Museum Curator Elaine Fuller to purchase one desktop computer from Dell on state bid T504 in the budgeted amount of \$1,441. Council Member Page 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 request from Mr. Ronald Hammond of the Cullman Moose Lodge to host the annual Turkey Shoot every Saturday morning at the lodge located on Eva Road beginning October 29th, 2011 through December 31st, 2011. Council Member Folsom 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 request from Mr. Ron Pierce of Downtown Merchants to host Cullman Christmas Open House Event and a Christmas Parade on November 12th & 13th, 2011. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None. Council President Gudger abstained from voting.

Council Member Jenny Folsom made a motion to approve the request from Garage Superintendent Mason Kugler to go out for bids on the purchase and installation of a five ton crane at the New City Garage. Council Member Hollingsworth seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION 2012-02
A RESOLUTION TO VACATE A PORTION OF AVENUE A
SOUTHEAST AND DECLARE IT SURPLUS OR NOT NEEDED
BY THE CITY OF CULLMAN, ALABAMA

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

WHEREAS, the City Council of the City of Cullman hereby finds and determines that the City is owner of the portion of Avenue A Southeast described in Paragraph 2 hereof.

WHEREAS, the City Council finds and determines that this portion of Avenue A Southeast is not needed by the City of Cullman for public or municipal purposes, said portion of Avenue A Southeast being described as follows:

The “city-owned” portion of Avenue A Southeast, which is an unimproved right of way, extending South of 13th Street Southeast.

WHEREAS, the City Council finds and determines that the interests of the City can be best served by sale or disposal of said property.

BE IT RESOLVED, the City Council hereby authorizes the sale or disposal of the above described property for its fair market value.

This resolution shall be effective upon its passage as required by law.

ADOPTED this the 24th day of October, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of October, 2011.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2012-03

This Resolution is made this 24th day of October, 2011 (the Effective Date) by the City of Cullman, Alabama (the Granting Authority), to grant a tax abatement for REHAU, Incorporated (the Company).

WHEREAS, the Company has announced plans for a (check one): new project or major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- X all state and local noneducational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- X all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of \$4,000,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- X all state and local noneducational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
- X all mortgage and recording taxes

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

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the City of Cullman, Alabama at a meeting held on the 24th day of October, 2011. This resolution shall be effective upon its passage as required by law.

ADOPTED this the 24th day of October, 2011.

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

ATTEST:
/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of October, 2011.

/s/ Max A. Townson
Mayor

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

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

RESOLUTION NO. 2012-04
AUTHORIZING MAYOR ENTER INTO CONTRACT WITH THE CULLMAN
ELECTRIC COOPERATIVE FOR BILLING SERVICES EFFECTIVE JANUARY 1, 2012

WHEREAS, the City Council of the City of Cullman has determined that it would be in it's best interest to allow the Mayor to enter into contract with the Cullman Electric Cooperative for billing services effective January 1, 2012; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to enter into contract with the Cullman Electric Cooperative for billing services effective January 1, 2012 under the terms as approved by the Mayor;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Max A. Townson is hereby authorized to enter into contract with the Cullman Electric Cooperative for billing services effective January 1, 2012.

ADOPTED this the 24th day of October, 2011.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of October, 2011.

/s/ Max A. Townson
Mayor

Council Member Folsom seconded the motion, and the resolution was approved by a voice vote. Ayes: All. Nays: None. City Accountant Wesley Moore stated that the estimated cost savings is between \$5,000 and \$10,000. Mr. Moore also stated that the initial setup cost is \$7,500, the monthly charge will be 88 cents per line item, and the conversion date will be January 1st, 2012.

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

RESOLUTION NO. 2012-05
AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH
GOODWYN, MILLS & CAWOOD FOR PROFESSIONAL SERVICES TO
UPDATE THE EXISTING AIRPORT LAYOUT PLAN AND DEVELOP A
CAPITAL IMPROVEMENT PLAN FOR THE CULLMAN REGIONAL AIRPORT

WHEREAS, the City Council of the City of Cullman has determined that it would be in it's best interest to enter into a contract with Goodwyn, Mills & Cawood to provide professional services to update the existing airport layout plan and develop a capital improvement plan at the Cullman Regional Airport for a total cost not to exceed \$53,624; and

WHEREAS, the scope of work will include but not be limited to professional services to update the existing airport layout plan and develop a capital improvement plan at the Cullman Regional Airport as spelled out in the Professional Services Agreement, Exhibit "A" under Scope of Work, attached hereto; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to enter into the Professional Services Agreement with Goodwyn, Mills & Cawood under the terms as approved by the Mayor;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Max A. Townson is hereby authorized to enter into a Professional Services Agreement for professional services and such other necessary documents at a price upon the terms and conditions as set out in the Professional Services Agreement, and to do all other things necessary as he deems just as to said Agreement.

ADOPTED this the 24th day of October, 2011.

ATTEST:
/s/ Ruth W. Rose
City Clerk

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

APPROVED by the Mayor this the 24th day of October, 2011.

/s/ Max A. Townson
Mayor

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

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

**RESOLUTION NO. 2012-06
AUTHORIZING THE ANNEXATION OF PROPERTY**

WHEREAS, the Evelyn Burrows Estate has requested that certain property be annexed into the City of Cullman; and

WHEREAS, the City of Cullman has agreed to purchase said property which and under said agreement, a portion of the said land is to be used for park and public entertainment purposes; and

WHEREAS, the Cullman County Commission is in support of the annexation of said property; and

WHEREAS, the property is not contiguous with any property within the City of Cullman; and

THEREFORE, BE IT RESOLVED BY the City Council of the City of Cullman that it requests that its legislative delegation sponsor the annexation of said property being more particularly described on the attached Exhibit "A".

ADOPTED this the 24th day of October, 2011.

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

ATTEST:
/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 24th day of October, 2011.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 24th day of October, 2011.

/s/ Max A. Townson
Mayor

Council Member Cook seconded the motion, and the resolution was approved by a voice vote. Ayes: All. Nays: None. Mayor Townson stated that the County Chairman James Graves and the two County Commissioners are in favor of the annexation of the Burrow Property.

Council Member Cook made a motion to appoint Mr. Shawn Crider to the City of Cullman Industrial Development Board. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:48 p.m. by a voice vote. Ayes: All. Nays: None.