

CULLMAN CITY COUNCIL
REGULAR MEETING
October 12th , 2009

The Mayor and Council met in the council chambers at 6:00 pm. Mayor Townson and all Council Members were present. The agenda and documents were reviewed for the regular scheduled council meeting. Mayor Townson updated the council members that the contracts have been delivered to the County Commission on the Duck River Project.

The Cullman City Council met in regular session on October 12th , 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Council Member Hollingsworth, Deacon 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 meeting on September 28th , 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 Page seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

Council Member Folsom asked to add a budget amendment for item number 5 under Roman Numeral IX. Council Member Hollingsworth seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Cook asked to add item number 6 under Roman Numeral IX to change the date of a scheduled council meeting. Council Member Folsom seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Cook asked to delete item number 4 under Roman Numeral IX. Council Member Page seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No report.

Council President Garlan Gudger - Fire Committee - No report.

Council Member Johnny Cook - Sanitation Committee -No report.

Council Member Clint Hollingsworth - Street Committee - No report.

Council Member Jenny Folsom - Finance Committee - No report.

REPORTS OF OFFICERS

Mayor Max A. Townson asked Mr. Daniel Hunt, IT Manager for the City of Cullman, to come forward. Mayor Townson presented the following Certificate of Recognition to Mr. Hunt for being recognized as one of Cullman's "20 under 40" in Cullman's Magazine.

Office of the Mayor
City of Cullman, Alabama, USA

Certificate of Recognition
In recognition of Daniel Hunt, one of Cullman's "20 Under 40!"

Whereas, Mr. Daniel Hunt was featured in a recent issue of Cullman Magazine for being chosen as one of Cullman's "20 Under 40," a select group of our community's young and successful business people, public officials, and community leaders; and,

Whereas, Daniel, a graduate of Wallace State Community College with associates degrees in both criminal justice and computer science networking, serves as the Information Technology Director with the City of Cullman; and,

Whereas, in addition to his work as I.T. Director, Daniel also works with the Cullman City Police Department as a Reserve Police Officer and with the Cullman County Emergency Management Agency, where he helps coordinate disaster preparedness and response activities; and,

Whereas, Daniel's special talents, expertise, leadership abilities, and invaluable contributions to our community earned him the honor of being named one of Cullman's "20 Under 40," and his accomplishments are worthy of special recognition by the City of Cullman.

Now, therefore, I, Max A. Townson, Mayor of the City of Cullman and on behalf of the City Council and all of our citizens, do hereby present this Certificate of Recognition to Daniel Hunt in recognition and appreciation of his leadership and the outstanding contributions he has made to the City of Cullman and our entire community.

Further, the City of Cullman formally congratulates Daniel for being chosen as one of Cullman's "Top 20 Under 40," an honor for which he is well qualified and deserving, and wish him continued success in all his future endeavors.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Cullman to be affixed on this, the 12th day of October, 2009.

/s/ Max A. Townson, Mayor

Mayor Max A. Townson also presented a Certificate of Recognition to Dr. Jan Harris. She was selected District 8 Superintendent of the year and is a candidate for Superintendent for the State of Alabama. The Following Certificate was read:

Office of the Mayor
City of Cullman, Alabama, USA

Certificate of Recognition

In recognition of Dr. Jan Harris' selection as District 8 Superintendent of the Year.

Whereas, Dr. Jan Irons Harris, Superintendent of Cullman City Schools since 2005, was recently chosen District 8 Superintendent of the Year, and is a candidate for Alabama Superintendent of the Year; and,

Whereas, Dr. Harris has initiated new and innovative programs in the schools, including the 1:1 Laptop Initiative, and all of the schools within the system have consistently ranked among the best in the state under her leadership; and,

Whereas, Dr. Harris continually demonstrates a devotion toward the school system as well as an excellent stewardship of public funds; and,

Whereas, Dr. Harris' years of service as Superintendent of the Cullman City Schools have been marked by exemplary and dedicated effort toward the welfare and enlightenment of all of the students within the school system; and,

Whereas, Dr. Harris' many accomplishments and contributions to the Cullman City Schools, and to the community, are remarkable and worthy of special, public recognition.

Now, therefore, I, Max A. Townson, Mayor of the City of Cullman and on behalf of the City Council and all of our citizens, do hereby present this Certificate of Recognition to Dr. Jan Irons Harris in recognition and appreciation of her dedication and service to the Cullman City Schools and the community.

Further, the City of Cullman wishes Dr. Harris the best as she is one of several other superintendents being considered for the Alabama Superintendent of the Year award, an honor for which she is very qualified and deserving.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Cullman to be affixed on this, the 12th day of October, 2009.

/s/ Max A. Townson, Mayor

Dr. Jan Irons Harris thanked the Mayor and Council for their past support and expressed gratitude for their role in all of the progress and successful projects of the City School System.

President Gudger also recognized two special guests with us tonight his son, Tripp Gudger and Stanley Yarbrough.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

A motion was made by Council Member Folsom to approve the written request made by Kristina Miller, PTL Secretary for St. Paul's Lutheran School, to close 6th Street between 3rd and 4th Avenue on October 24th, 2009 from 8:00 am until 8:00 pm for the Annual Fall Festival. Council Member Page seconded the motion. President Gudger asked Chief Culpepper and Jr. Reinhardt if this request met the approval of the Police and Fire Departments. Both approved of this request. The motion was approved by a voice vote. Ayes: All. Nays: None.

Schenaye Mauldin, Cullman High School SGA Advisor, made a written request for a noise permit. The homecoming dance will be held on Friday, October 16th, 2009 after the football game and should be over by midnight. Chief Culpepper said the noise should be better because the location of the buildings buffering the sound. Council Member Cook made a motion to approve the request. Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

President Gudger apologized for skipping the item Roman Numeral VIII "Comments from anyone not on the Agenda". He asked if anyone was present and wanted to speak to the council, being none the meeting resumed with item #3 under Roman Numeral IX.

Rhonda Davis, Coordinator for Autism Support Group, sent a written request to use the parking deck for a fundraiser to be held on Saturday, October 17th, 2009 from 5:00 am until 5:00 pm. The proceeds from this event will help Jace Edge, a 4 year old boy who will be the first recipient of an autism dog in Cullman County. Chief Culpepper has not talked with her and is not sure if they wish to have both the upper and lower parking deck. Council Member Folsom made a motion to approve the request pending approval from the Fire Chief, Chief Culpepper and Mayor. Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Item #4 under petitions was deleted earlier and item #5 was added to amend the 2008-2009 budget for salaries for Park and Recreation in the amount of \$700,000.00. Council Member Folsom made a motion to approve the amendment and Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

A motion to change the scheduled City Council meeting date of November 9th to November 2nd, 2009 was made by Council Member Cook. Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Cook made a motion to approve a resolution authorizing the annual contract with the Cullman Area Chamber of Commerce. The following resolution was read:

Resolution 2010-01

**AUTHORIZING AN AGREEMENT BETWEEN THE CULLMAN AREA
CHAMBER OF COMMERCE AND THE CITY OF CULLMAN, ALABAMA**

WHEREAS, the Cullman Area Chamber of Commerce is able to provide certain service to the City of Cullman, its present and prospective businesses, industries, utilities, Industrial Development Boards and citizens; and

WHEREAS, the Cullman Area Chamber of Commerce is seeking new and expanding businesses, industries and services within the City of Cullman and will create new jobs, employment and economic improvement to its citizens while promoting the welfare of the City; and

WHEREAS, the City Council deems it appropriate to provide funds to the Chamber to assist them in providing these services to its citizens and businesses.

THEREFORE, BE IT RESOLVED by the City Council that the Mayor is hereby authorized to execute the agreement with the Cullman Area Chamber of Commerce now before this Council on behalf of the City of Cullman.

ADOPTED this the 12th day of October, 2009.

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

ATTEST

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 12th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 12th day of October, 2009.

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

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

Council Member Folsom made a motion to correct a name change for a tax abatement for Axsys specifying Speedring LLC as the recipient. Resolution 2010-02 was read:

Resolution 2010-02
Tax Abatement for Speedring LLC Expansion

This Resolution is made this 12th day of October, 2009 by the **City of Cullman**, Alabama, to grant a tax abatement for **Speedring LLC**.

WHEREAS, **Speedring LLC** has announced plans for expansion of over \$2 million and could create over 20 jobs in the near future and is located within the jurisdiction of the City of Cullman; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), **Speedring LLC** has requested from the City of Cullman as 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, **Speedring LLC** 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 **Speedring LLC** 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 \$2,500,000; and

WHEREAS, **Speedring LLC** 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 **Speedring LLC** 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 **Speedring LLC** 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 intent 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 **Speedring LLC** 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 **Speedring LLC** 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 12th day of October, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this 12th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this 12th day of October, 2009.

SEAL

Max A. Townson, Mayor
City of Cullman, Alabama

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

Council Member Cook made a motion to award the bid for Lee Avenue Extension Project in Resolution 2010-03. The Following resolution was read:

RESOLUTION NO. 2010-03
AWARDING OF BID FOR PAVING PROJECT ON LEE AVENUE
EXTENSION FROM HERITAGE PARK TO CHEROKEE AVENUE

WHEREAS, bids were opened on Tuesday, October 6th, 2009 for Lee Avenue Extension from Heritage Park to Cherokee Avenue; and

WHEREAS, the following three vendors submitted their respective bids:

- | | |
|-----------------------------|--------------|
| 1. Powe General Contracting | \$148,031.73 |
| 2. Wiregrass Construction. | 230,483.00 |
| 3. Good Hope Contracting | 253,000.00 |

WHEREAS, the recommendation from Dale Bright, Project Manager of St. John & Associates, is to award the bid to the lowest responsible bidder, **Powe General Contracting LLC** with a base bid of \$148,031.73.

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the contract be awarded to **Powe General Contracting LLC** at this time.

ADOPTED this the 12th day of October, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 12th day of October, 2009.

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

Council Member Hollingsworth seconded the motion and motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve a resolution to authorize the Mayor to sign an agreement with the State of Alabama for a service road to Yutaka and Royal Technologies. The following resolution was read:

Resolution 2010-04

WHEREAS, the Alabama Department of Transportation (“ALDOT”) has requested the City of Cullman, Alabama to execute a permit for the maintenance of service road at the intersection with AL Hwy 69 and AL Hwy 157 which serves Royal Technologies, and

WHEREAS, the City of Cullman has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to maintain the service road described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and the City Clerk are hereby authorized to execute the permit with the Alabama Department of Transportation to permit the required maintenance of the road.
2. That the Mayor and City Clerk are authorized to execute any documents necessary to maintain the road as provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Cullman, Alabama.

ADOPTED this the 12th day of October, 2009.

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

APPROVED:

ATTEST:

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

/s/ Ruth W. Rose
City Clerk, City of Cullman

State of Alabama)

County of Cullman)

I, the undersigned City Clerk of the City of Cullman, do hereby certify that the foregoing Resolution No. 2010-04 is a true and correct copy of the resolution passed by the City of Cullman Council of said City at a regular meeting, a quorum being present on the 12th day of October, 2009.

Given under my hand and corporate seal of the City of Cullman, this the 12th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

Council Member Page seconded the motion and motion carried on a voice vote. Ayes: All.
Nays: None.

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

RESOLUTION NO. 2010-05

**RESOLUTION AUTHORIZING ST. JOHN & ASSOCIATES
TO REBID WATER & SEWER EXTENSION
INDUSTRIAL PARK V - LOT 3A**

WHEREAS, St. John and Associates have opened bids on September 8th, 2009 for Water and Sewer Extensions at Cullman Industrial Park V- Lot #3 and the engineer needed to make imminent design changes to the plans, and

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 and rebid the project;

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 allow bids to be advertised again with changes made and vendors notified to resubmit a bid for services.

ADOPTED this the 12th day of October, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 12th day of October, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 12th day of October, 2009.

/s/ Max A. Townson
Mayor

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

A change order is needed for the Waste Water Treatment Plant. Council Member Page made a motion to approve the following resolution:

RESOLUTION 2010-06
RESOLUTION AUTHORIZING CHANGE ORDER
Days Inn Pump Station and Sewer Upgrade with SRF Funds
Cullman Waste Water Treatment Plant

WHEREAS, the City of Cullman has heretofore awarded a contract for Days Inn Pump Station and Sewer Upgrade to Apel Machine & Supply Co., Inc. and

WHEREAS, it has been determined that a change order to the contract is necessary as set out in the attached Engineer's Request for Change Order in the total amount of \$46,964.00 for one screw pump deflector plate replacement and 2 thickener weir and scum baffle replacements.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cullman the Mayor be and is hereby authorized to execute a change order now before the Council at an increased amount of \$46,964.00 to the contract on behalf of the City of Cullman.

ADOPTED this the 12th day of October, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 12th day of October, 2009.

/s/ Max A. Townson
Mayor

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

Council Member Cook made a motion to table item #7 - Resolution 2010-07 until a special meeting on Wednesday, October 14th, 2009 at 4:00 pm. Council Member Folsom seconded the motion to table approving the budget. Motion was approved by a voice vote. Ayes: All. Nays: None. The budget resolution will be tabled until Wednesday, October 14th, 2009 at 4:00 pm.

Ordinance 2009-17 To Regulate Grass and Weed Nuisances, Abandoned and Inoperable Vehicles and other Nuisances (First Reading). Roy Williams, City Attorney explained this ordinance will update an old ordinance that was more strict and harder to enforce. This version is user friendly and has a grace period for offenders. The new ordinance clarified the enforcement officers and will be easier to enforce. Mayor Townson agreed this new amended ordinance was a better version for all involved.

Being no further business to come before the Mayor and Council, a motion to adjourn was made by Council Member Folsom. Council Member Cook seconded the motion and motion was approved. The meeting was adjourned at 7:25 pm.