

CULLMAN CITY COUNCIL
REGULAR MEETING
September 14th , 2009

The Mayor and Council met in the council chambers at 5:30 pm. Mayor Townson and all Council Members were present. The Mayor and Council agreed to provide sandwiches for the work session of the Financial Board. The meeting was a discussion of adjusting Business License fees, Building Permit fees, Water and Sewer Rates. Attorney Roy Williams was present to explain the requirements to allow Victim Services of Cullman, Inc. the use of a public building for non-profit use. The Mayor and Council did not take any official action.

The Cullman City Council met in regular session on September 14th, 2009 at 7:00 o'clock p.m. in the Cullman City Hall Auditorium. Council President Garlan Gudger called the meeting to order, and Fire Chief Mike Hackney presented the invocation.

President Gudger recognized his son Trip Gudger was present at tonight's meeting along with his Mother, Mrs. Dot Gudger.

A roll call by Ruth W. Rose, City Clerk reflected the following. Present - Mayor Max A. Townson, President Garlan E. Gudger, Jr, Council Member Andy Page, Council Member Johnny Cook, Council Member Jenny Folsom and Council Member Clint Hollingsworth. Also present were City Attorney Roy Williams, City Clerk Ruth W. Rose .

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on August 24th , 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 Folsom then moved to approve the minutes as written and Council Member Cook seconded the motion. Motion was approved by a voice vote. Ayes: All Nays: None.

ADDITIONS/DELETIONS TO AGENDA

None

REPORTS OF STANDING COMMITTEES

Council Member Andy Page - Police Committee - No report.

Council President Gudger - Fire Committee - No report.

Council Member 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 informed the Council Members of the resignation of Wells Turner, Sr from the Cullman Utilities Board due to health reasons. The Utilities Board is in charge of the Duck River Dam Project which is the largest project for the City of Cullman. Mayor Townson suggested Garlan E. Gudger, Jr as a replacement for Mr. Turner's position. Garlan has served as an ex officio member and is very familiar with the project. He was involved in the hiring of the bond counsel and has attended the monthly meetings. Mayor Townson stressed the importance of this appointment and wanted the Council to be very selective in their decision.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

A written request by Mark Aderhold, Cullman Lion's Club to host the Annual Fair Parade on Saturday, September 19th, 2009 at 2:00 PM. The parade will begin on 7th Street SW and end at the North Shopping Center. Chief Culpepper said this would be fine with the Police Department. President Gudger asked if Fire Chief Mike Hackney had any questions and he said his department was fine with the parade. A motion was made by Council Member Cook to approve the request and Council Member Page seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

A written request from Sacred Heart Elementary School to close First Street SE from 2nd Avenue to 3rd Avenue for the German Festival to be held on October 3rd, 2009. The street would need to be closed from mid-morning on October 1st until mid-morning on Monday, October 5th, 2009. Chief Culpepper and Chief Hackney gave thumbs up to the request. Council Member Folsom made a motion to approve the request and Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Penney was present, representing the Cullman County Historical Society, requesting to host a Front Porch Tour on Saturday, October 10th, 2009. Mr. Penney explained this event would include 6 beautiful houses with front porches. Entertainment would include dancers, wood-workings, sacred harp singers, painters and a character dressed as Mayor Betz, the first Mayor of the City of Cullman. Chief Culpepper and Chief Hackney gave approval with the stipulation of letting emergency vehicles enter if needed. President Gudger verified the address and map for event. A motion was made by Council Member Page and seconded by Council Member Hollingsworth and carried on a voice vote. Ayes: All. Nays: None

A written request from Mr. Jerry L. Paul, Traffic and WWTP Supervisor to work with Skipper Consulting, Inc. on the traffic light project on Highway 69 and Lee Street. A motion to approve the request was made by Council member Cook and seconded by Council Member Folsom. The motion was approved by a voice vote. Ayes: All. Nays: None.

The Police Department made a request to purchase lights and sirens for 2 K-9 vehicles to be paid from special funds to Sharp Communications for the amount of \$3,454.00. A motion was made by Council Member Folsom to approve the request. The motion was seconded by Council Member Page and the motion passed on a voice vote. Ayes: All. Nays: None.

A motion to approve chain link fencing for the K-9 training unit was made by Council Member Page. Parris Fence Company gave a price of \$3,694.00 to be paid by special police funds for the project. The motion was seconded by Council Member Cook. The motion carried on a voice vote. Ayes: All. Nays: None.

The request from the Fire Department for purchases was reviewed by Wesley Moore, Accountant, and the budget for this year has been depleted. President Gudger asked the pleasure of the council and a motion to table the purchase of Pelican Lighting System(\$1,025.95) was made by Council Member Cook and the motion was seconded by Council Member Cook. The motion to table was approved by a voice vote. Ayes: All. Nays: None.

The next request was for a Blitz Nozzle Kit (\$2,730) for the Fire Department was tabled by the motion made by Council Member Folsom. Council Member Hollingsworth seconded the request to table and motion was approved by a voice vote. Ayes: All. Nays: None.

The final request for 4 Foam Nozzles (\$816) for the Fire Department was tabled by a motion made by Council Member Cook. Council Member Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None. These items will be considered in the next fiscal year's budget.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Folsom made a motion to approve a resolution authorizing disposal of surplus property. The following resolution was read:

RESOLUTION NO. 2009-112 RESOLUTION DECLARING PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN, ALABAMA

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

1. The City Council of the City of Cullman hereby finds and determines that the City is owner of the property described in Paragraph 2 hereof.

2. The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes, said property being described as follows:

1. 15 complete belt mounted self contained breathing apparatus (SCBA)
2. 43 spare air cylinders
3. Portable regulator tester - #1238

4. PosiChek Testing Instrument - #07298
5. FitTrack Tester - Serial #0692
6. Avaya Telephone System and desk phones

3. The City Council finds and determines that the interests of the City can be best served by sale of said property.

4. The City Council hereby authorizes the sell of the above described property for its fair market value.

5. This resolution shall be effective upon its passage as required by law.
ADOPTED this the 14th day of September, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 14th day of September, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 14th day of September, 2009.

/s/ Max A. Townson
Mayor

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

A motion was made by Council Member Folsom to approve the following resolution authorizing the Mayor to sign an agreement with Skipper Consulting, Inc. The Following Resolution was read:

RESOLUTION 2009-113
RESOLUTION AUTHORIZING MAYOR TO ENTER AGREEMENT
FOR PROFESSIONAL SERVICES WITH SKIPPER CONSULTING, INC.

WHEREAS, Skipper Consulting, Inc. has presented the attached proposal to provide professional services related to Traffic Signal Design and Permitting for Highway #69 and Lee Avenue hereafter referred to as the "Project"; and

WHEREAS, the City has considered the scope of work which consists of Traffic Signal Design and Permitting for \$6,000, Bidding and Equipment Procurement for \$3,500 and Signal System Timing Implementation for \$1,500 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 ; now

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to sign an agreement with Skipper Consulting, Inc. designing the specifications for and on behalf of the City of Cullman to perform the services related to the Project as set out in the proposed agreement for services.

ADOPTED this the 14th day of September, 2009.

Transmitted to the Mayor this 14th day of September, 2009.

/s/ Ruth W. Rose, City Clerk

APPROVED by the Mayor this 14th day of September, 2009.

/s/ 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.

The next item on the agenda was the awarding of a contract to B & R Meter Service, Inc for the water department meter reading services. Council Member Hollingsworth made a motion to approve the following resolution:

RESOLUTION NO. 2009-114
RESOLUTION AUTHORIZING MAYOR TO ENTER AGREEMENT
FOR METER READING SERVICES WITH B & R METER SERVICE , INC.

WHEREAS, B & R Meter Service, Inc. has presented the attached contract to provide professional services related to reading water meters for the City of Cullman; and

WHEREAS, the City has considered the scope of work which consists of reading the water meters in the city for a period up to 5 years agreed upon in the contract ; and

WHEREAS, the City Council finds that it is in the best interest of the City to proceed with the contract set out in the proposal ; now

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to sign a contract with B & R Meter Service, Inc. as set out in the proposed contract for services.

ADOPTED this the 14th day of September, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 14th day of September, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 14th day of September, 2009.

/s/ Max A. Townson
Mayor

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

The following ordinance was read for the second time and Public Hearing is set for September 28th, 2009 at 7:00 PM.

ORDINANCE NO. 2009-18

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF CULLMAN TO PROVIDE ADDITIONAL
CONDITIONAL USES IN BUSINESS ZONE FOR TATTOOING,
BRANDING AND BODY PIERCING**

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-5-1 through 11-52-54, Code of Alabama, 1975, as amended, and Article XI of the Zoning Ordinance of the City of Cullman Zoning Ordinance Number 2004-03, as hereby amended as follows:

SECTION 2. The paragraph entitled Conditional Use: in Section 70.5 B-3 General Business District of said Zoning Ordinance is hereby amended by deleting the current paragraphs which read as follows:

CONDITIONAL USE: Churches and similar places of worship, public schools; private schools having curricula substantially the same as that ordinarily provided in public schools; libraries; fire stations; hospitals and animal hospitals; banks; doctor and dentist offices; professional buildings; funeral homes; automotive service stations; planned shopping centers; rental apartment buildings with five (5) or more units; public buildings; public transportation; manufacturing incidental to retail business where articles are sold at retail on the premises; places of amusement and assembly; mini-warehouse units and similar items so designated by the Planning Commission which comes within the spirit or intent of the Zoning District.

No Building Permit or Certificate of Occupancy shall be issued by any of the items listed under Conditional Use except upon the written approval of the Planning Commission and subject to the approval of the site and development plan by the Planning Commission, in accordance with SECTION 81.0 and 103.3 of this Ordinance.

and by substituting the following paragraph which read as follows:

CONDITIONAL USE: Churches and similar places of worship; public schools; private schools having curricula substantially the same as that ordinarily provided in public schools; libraries; fire stations; hospitals and animal hospitals banks; doctor and dentist offices; professional buildings; funeral homes; automotive service stations; planned shopping centers; rental apartment buildings with five (5) or more units; public buildings; public transportation; manufacturing incidental to retail businesses where articles are sold at retail on the premises; places of amusement and assembly; mini-warehousing units, similar items so designated by the Planning Commission which comes within the spirit or intent of the Zoning District, and tattooing facilities as defined by Title 22-17A-1, Code of Alabama, 1975, as amended, subject to the following restrictions:

1. Restrictions for Tattoo Facilities: It shall be prohibited for any tattoo facility to be located within a B-3 Zone which at the time of the approval is within 1,000 feet of any park, church, public school, private school, kindergarten, daycare, public pool, athletic facility or ball facility, amusement park, miniature golf course, theater, library, places of amusement, public tennis courts,

or other facilities which in the judgment of the Planning Commission, minors under the age of eighteen (18) years generally frequent or are encouraged to attend or are in the general spirit or intent of the above prohibited areas.

No Building Permit or Certificate of Occupancy shall be issued by any of the items listed under Conditional Use except upon the written approval of the Planning Commission and subject to the approval of the site and development plan by the Planning Commission, in accordance with Section 81.0 and 103.3 of this Ordinance.

SECTION 3. All other provisions of Zoning Ordinance of the City of Cullman, as amended, shall remain in full force and effect.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict repealed.

SECTION 5. The section, paragraph, sentence, clause, word, and phrase of the Ordinance are severable, and if any phrase, clause, word, 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, phrase, clause, word, sentence or section since the same would have been enacted by the City of Council without incorporation of such unconstitutional paragraph, phrase, clause, word, sentence, or section.

SECTION 6. This Ordinance shall take effect upon it's adoption and publication as required by law.

ADOPTED this the 28th day of September, 2009.

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

ATTEST:

/s/ Ruth W. Rose
City Clerk

Transmitted to the Mayor this the 28th day of September, 2009.

/s/ Ruth W. Rose
City Clerk

APPROVED by the Mayor this the 28th day of September, 2009.

/s/ Max A. Townson

Mayor

The next item on the agenda is Board Appointments. Council Member Page made a motion to appoint Mr. Don Hewitt to the Zoning Board of Adjustments (Appeals Board) for the remaining term of Jack Hudson, who resigned due to health problems. His current term will expire on Feb. 14, 2010. Council Member Folsom seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to appoint Mr. Austin Hall to the Zoning Board of Adjustments (Appeals Board) to replace Mr. Kerry Watson who resigned due to moving out of the city. Mr. Hall would serve the remaining term until Feb. 14, 2010. Council Member Folsom seconded the motion and the motion carried on a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to appoint Garlan E. Gudger, Jr. to the Utilities Board. Mr. Wells R. Turner, II resigned due to health problems. His term will continue until October 1, 2014. Council Member Hollingsworth seconded the motion and motion was approved by a voice vote. Ayes: Council Members Cook, Page, Folsom and Hollingsworth. President Garlan E. Gudger, Jr. abstained from voting. Nays: None.

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 motion was approved. The meeting was adjourned at 7:45 pm.