

CULLMAN CITY COUNCIL
REGULAR MEETING
September 28th , 2009

The Mayor and Council met in the council chambers at 6:30 pm. Mayor Townson and all Council Members were present. The Mayor and Council agreed to provide pizzas for the work session of the Financial Board. The meeting was a discussion of the Ordinance to regulate grass and weed nuisances, abandoned and inoperable vehicles and other nuisances. Attorney Billy Jackson was present to explain the ordinance in the absence of Roy Williams.

The Cullman City Council met in regular session on September 28th, 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.

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 Attorney Billy Jackson and City Clerk Ruth W. Rose .

The Public Hearing for Ordinance No. 2009-18 - Zoning of Tattoo Parlors was opened for discussion. President Gudger asked if anyone was present to speak for or against the ordinance. There was no response from anyone. At this time the public hearing was closed.

Council Member Cook made a motion to suspend the rules in order to consider the minutes from the meeting on September 14th , 2009. Council Member Page 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 of positive comments made by residents regarding the agenda and online services for the Cullman City Council meetings. The city is conserving paper and everyone using the service has made very positive comments. Mayor Townson also reported on Cash Acme expanding their facility over 100,000 square feet. The building is now over 230,000 square feet. Trent Moore of the Cullman Times did an excellent job in covering the story and Cullman is very fortunate to have a business like Cash Acme.

COMMENTS FROM ANYONE NOT ON THE AGENDA

None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

A written request from Mr. Ken Bates, First Baptist Church, to host a tailgate event on Saturday, October 3rd, 2009 at 11:00 AM until 11:00 PM. The party will require 3rd Avenue SW between 5th and 6th Street to be closed. 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 tailgate event. A motion was made by Council Member Hollingsworth to approve the request and Council Member Folsom seconded the motion. The request was approved by a voice vote. Ayes: All. Nays: None.

A written request from Elaine Kreps, President of Christ Lutheran Church to close 5th Street SE from 2nd Avenue to 3rd Avenue SE for the Oktoberfest Dinner to be held on October 9th, 2009. The street would need to be closed from 10:00 AM on Friday, October 9th until mid-morning on Saturday, October 10th, 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 Page seconded the motion and motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Harold G. Nail, Governor of the Cullman Moose Lodge 1861, made a written request to host the annual Turkey Shoot on Saturdays, beginning October 31st, 2009 through December 31, 2009. Proceeds from this event will help the Cullman County Child Development Center. Chief Culpepper and Chief Hackney gave approval. A motion was made by Council Member Cook and seconded by Council Member Hollingsworth and carried on a voice vote. Ayes: All. Nays: None

A request from Mr. Ron Pierce, Cullman Downtown Merchants Association, to host a Christmas Parade on Saturday, November 14th, 2009 at 10:00 am. Mr. Frank Fagg, F & O Architect, was also present to explain the route which would begin at the corner of First Ave SE and 5th St. SE near Busy Bee Café going North up First Ave.. SE to Festhalle (corner of First Ave. NE and Arnold Street NE turning right onto 2nd Avenue NE going South on Second Avenue NE to 5th Street SE. This would kick off the Cullman Christmas Open House in Downtown. The Fair Parade was cancelled this year due to rain. The 5-K Race hosted by the Tennis Boosters, Inc is also scheduled for this date and Chief Culpepper said by beginning the race at 8:00 am and

ending the race near the tennis courts, both events can be handled safely. Chief Hackney said this was fine with the Fire Department. President Gudger clarified that emergency vehicles have access to all streets no matter when event is being hosted. A motion to approve the request was made by Council member Page and seconded by Council Member Cook. The motion was approved by a voice vote. Ayes: All. Nays: None. President Gudger abstained from voting due to the request being made by his father-in-law, Mr. Ron Pierce.

Mr. Rick Fulmer, Chief Building Inspector, requested permission to host a Veteran's Day Celebration on November 6th and 7th, 2009 at Depot Park and Festhalle. The re-enactment would take place in Depot Park and the workers will camp out there. The restrooms will be opened at Festhalle. Council Member Cook made a motion to approve the request and Council Member Hollingsworth seconded the motion. Motion was approved by a voice vote. Ayes: All. Nays: None.

Mr. Gary Cornelius, Vice-President of CHS Tennis Boosters, Inc, requested permission to host a 5-K Run on Saturday, November 14th, 2009 beginning at 8:00 am. He has talked with Mr. Ron Pierce and Chief Culpepper to coordinate with the Christmas Parade being held the same date. The route will be changed to end-up at the tennis courts and use the schools parking lots for parking. Hopefully this will become an annual event for the tennis boosters. This will be known as the "Turkey Day 5-K" annual event. A motion to approve this event was made by Council Member Folsom and seconded by Council Member Hollingsworth. Motion was approved by a voice vote. Ayes: All. Nays: None.

A written request for travel from Mr. Darrell Johns, Arborist, to Orange Beach for the Alabama Urban Forestry Association meeting to be held on October 28th, 2009. The total estimated cost was \$835.00. A motion to approve the request was made by Council Member Cook and seconded by Council Member Folsom. President Gudger asked Mayor Townson if this had been approved by him and he said it had not. Council President Gudger asked what was the pleasure of the council. Council Member Cook rescinded his motion and Council Member Folsom rescinded her second and motion was removed. Council Member Cook made a motion to table this request and Council Member Folsom seconded the motion and request was tabled by a voice vote. Ayes: All. Nays: None. President Gudger asked Mayor Townson to get in touch with Mr. Johns and have him come by and talk to him about this request.

RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

Council Member Folsom made a motion to approve a resolution authorizing the continuing of purchases and general day to day operations until the new budget is passed. The following resolution was read:

RESOLUTION NO. 2009-115
A RESOLUTION OF THE CULLMAN CITY COUNCIL
PROVIDING FOR THE EXPENDITURE OF NECESSARY
FUNDS PENDING ADOPTION OF THE 2009 BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, AS

FOLLOWS:

1. The City Council finds and determines that it is not prepared at this time to adopt a budget for the 2009 Fiscal Year.

2. The Council further finds that in order to continue the day-to-day business of the City without interruption, pending adoption of a budget, it is necessary to provide for certain expenditures.

3. The Council therefore authorizes the expenditure of funds for the following purposes:

- a.. To pay outstanding claims for goods, supplies and services received prior to October 1, 2009.
- b. To make any necessary expenditures from Payroll Fund.
- c. To make such purchases and expend such funds as are essential for the operation of the City until a budget is adopted.
- d. To provide for necessary transfers between funds.
- e. To make such other expenditures as are deemed to be necessary.

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

Council Member Hollingsworth seconded the motion and motion passed with a voice vote.

Ayes: All. Nays: None.

Ordinance 2009-17 To regulate Grass and Weed Nuisances, Abandoned and Inoperable Vehicles and other Nuisances was reviewed. Council Member Cook made a motion to table this ordinance and Council Member Page seconded the motion. The motion was tabled by a voice vote. Ayes: All. 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 7:30 pm.