

## **CULLMAN CITY COUNCIL MEETING ON OCTOBER 10<sup>TH</sup>, 2016 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Pro Tem Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, October 10<sup>th</sup>, 2016. Fire Chief Edward Reinhardt presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Mayor Max A. Townson, Council Member Andy Page, Council Member Johnny Cook, Council Member Clint Hollingsworth, and Council President Pro Tem Jenny Folsom. Absent: Council President Garlan Gudger. Also present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Pro Tem Folsom asked the Council to consider the minutes from September 26<sup>th</sup>, 2016 and October 3<sup>rd</sup>, 2016. Council Member Folsom made a motion to suspend the rules to consider the minutes. Council Member Page seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve the minutes from September 26<sup>th</sup>, 2016 and October 3<sup>rd</sup>, 2016 as written. Council Member Hollingsworth seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

### **ADDITIONS/DELETIONS TO AGENDA**

Council Member Cook made a motion to add #6 under Roman Numeral X which is Resolution No. 2017-02 to renew employee coverage with Air Evac. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

### **REPORTS OF STANDING COMMITTEES**

1. General Government Committee - Chairwoman Jenny Folsom - No report.
2. Public Works Committee - Chairman Johnny Cook - No report.
3. Public Safety Committee - Chairman Andy Page asked Fire Chief Edward Reinhardt and Police Chief Kenny Culpepper to report on Oktoberfest activities. Both Fire Chief Edward Reinhardt and Police Chief Kenny Culpepper reported no issues.
4. Tourism Committee - Chairman Clint Hollingsworth reported that Oktoberfest was a huge success.
5. Utilities Committee - Chairman Garlan Gudger - No report.

### **REPORT FROM THE MAYOR**

Mayor Max A. Townson named Maybell Apel an Honorary Cullman Colonel for a lifetime of service dedicated to improving Cullman through volunteering and charitable contributions. Mr. John Apel received the award on behalf of his mother who is 97 years old. Mr. John Apel thanked the Mayor and City Council for their work over the last 8 years to improve Cullman.

**COMMENTS FROM ANYONE NOT ON THE AGENDA** - None.

### **PUBLIC HEARINGS**

Council President Pro Tem Folsom set a public hearing on November 14<sup>th</sup>, 2016 at 7:00 p.m. for Ordinance No. 2017-01 to rezone 138.83 acre tract owned by the Industrial Development Board from M1-P Manufacturing District to AG-1 Agricultural District.

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

Council Member Hollingsworth made a motion to approve the request from Rebekah Mickle of Cullman First Baptist Church for a special event permit to hold their annual Trunk or Treat on October 26<sup>th</sup>, 2016 from 6:00 p.m. until 8:00 p.m. Council Member Cook seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

Council Member Cook made a motion adopt the following resolution:

#### **RESOLUTION NO. 2016 – 98**

#### **DECLARING CERTAIN CITY PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN, ALABAMA**

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

1. The City Council of the City of Cullman hereby finds and determines that the City is the owner of certain real property, said property being described as: Being identified as Parcel No.: 17-02-04-4-004-001.002 and as shown on the deed attached hereto as Exhibit "A" and more particularly described as Lot Number Thirty-One (31) of the Max Schmidt Estates, as shown and known on the recorded plat in Map Book 2 Page 40, in the Office of the Judge of Probate of Cullman County, Alabama, being .34 acres +/-.
2. The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes at this time.

3. The City Council further finds that Rusken Packaging, Inc., has offered to purchase said property from the City of Cullman for the fair market value.

4. Rusken Packaging, Inc., owns all the property surrounding said parcel which street it services.

5. A public hearing shall be held on August 29, 2016, at 7:00 p.m. to authorize the Mayor to execute and convey the property described above in this Ordinance on behalf of the City of Cullman to Rusken Packaging, Inc., by statutory warranty deed and to execute and deliver any and all other necessary documents in order to effectuate this transaction for the fair market value.

6. This Resolution shall be effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

/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 adopt the following resolution:

**RESOLUTION NO. 2016 - 122**  
**TO CANVASS THE RESULTS FROM THE RUN-OFF MUNICIPAL ELECTION ON OCTOBER 4, 2016**

WHEREAS, the run-off election for the City of Cullman, Alabama was duly and legally held on the 4<sup>th</sup> day of October, 2016 as provided by law;

WHEREAS, the municipal governing body of the City of Cullman, Alabama met on this the 10<sup>th</sup> day of October, 2016, a quorum thereof being present, at 7:00 o'clock p.m., and has canvassed the returns, and has ascertained and determined the number of votes received by each candidate;

WHEREAS, the said municipal governing body has ascertained and determined the result of said election as follows:

	Civic Center	Civic Center	Civic Center	County Office Bldg	City Hall	Courthouse	Absentee Box			
CITY SCHOOL BOARD, PLACE 2	Beat 1 Box 1	Beat 1 Box 2	Beat 1 Box 3	Beat 1 Box 4	Beat 1 Box 5	Beat 1 Box 6	Absentees	Provisional	TOTALS	% of Votes
CHRIS BRANHAM	113	83	97	114	80	54	19	1	561	61.9%
SUSAN MARTIN HAUK	57	44	22	142	49	23	9	0	346	38.1%
<b>TOTALS</b>	170	127	119	256	129	77	28	1	907	100.0%

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

1. That Chris Branham received a majority of the votes cast for the office of City School Board Place No. 2 and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2016.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

/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 adopt the following resolution:

**RESOLUTION NO. 2016 - 123**  
**TO ISSUE A CERTIFICATE OF ELECTION**

WHEREAS, the run-off election for the City of Cullman, Alabama was duly and legally held on the 4<sup>th</sup> day of October, 2016;

WHEREAS, the City Council of the City of Cullman, Alabama has met on this the 10<sup>th</sup> day of October, 2016, and canvassed the results of the run-off municipal election;

WHEREAS, the official canvass of votes cast in the run-off municipal election held in the City of Cullman, Alabama, on the 4<sup>th</sup> day of October, 2016, shows that Chris Branham was duly elected to the office of Cullman City School Board Place No. 2 for the term commencing on the first Monday of November, 2016;

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama, that Chris Branham be and is hereby declared duly elected to the office of Cullman City School Board Place No. 2 for the term of office commencing on November 7<sup>th</sup>, 2016;

Given under our hands pursuant to the requirements of Sections 11-46-20 et seq. of the Alabama Code of 1975, as amended, this the 10<sup>th</sup> day of October, 2016.

BE IT FURTHER RESOLVED that a certificate of election is hereby issued to Chris Branham for the office of Cullman City School Board Place No. 2 for the term of office commencing on November 7<sup>th</sup>, 2016.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

/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 adopt the following resolution:

**RESOLUTION NO. 2017 – 01  
TO ENTER INTO CONTRACT WITH ST. JOHN & ASSOCIATES, INC.**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a professional services contract with St. John & Associates, Inc. for engineering services in conjunction with the development of Tract 1 in Cullman Industrial Park 3 in the amount not to exceed \$155,750;

NOW, THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a professional services contract with St. John & Associates, Inc. for engineering services in conjunction with the development of Tract 1 in Cullman Industrial Park 3 in the amount not to exceed \$155,750.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

/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 President Gudger asked for the City Council and Mayor to consider Board Appointments: None.

Council Member Cook made a motion adopt the following resolution:

**RESOLUTION NO. 2017 – 02  
TO RENEW THE CONTRACT WITH AIR EVAC**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to renew the contract with Air Evac for employee family coverage;

NOW THEREFORE, BE IT RESOLVED, by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renew the Air Evac contract for employee family coverage.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of October, 2016.

/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 President Pro Tem Folsom asked for a motion to adjourn. Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:19 p.m. by a voice vote. Ayes: All. Nays: None.