

CULLMAN CITY COUNCIL MEETING ON SEPTEMBER 29th, 2017 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 12:08 o'clock p.m. on Monday, September 29th, 2017. Division Fire Chief Brian Bradberry presented the invocation.

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

Council President Garlan Gudger asked the Council to consider the minutes from September 11th, 2017. Council Member Cook made a motion to suspend the rules to consider the minutes. Council Member Folsom 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: Absent. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to approve the minutes from September 11th, 2017 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: Absent. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA

Council Member Jenny Folsom made a motion to add #10 under Roman Numeral X to renew the annual Air Evac Contract for full-time city employees and their families. Council Member Hollingsworth seconded the motion to add, and the motion was approved by a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

1. Public Safety Committee - Chairman Andy Page - No report.
2. Utilities Committee - Chairman Garlan Gudger - No report.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth - No report.
5. General Government Committee - Chairwoman Jenny Folsom reviewed the 2017-18 Annual Budget. She announced the following: 1) a general fund balance of \$32,565,304, 2) over \$1.5 million in capital assets, 3) a 3% pay increase for full-time city employees plus a \$600 one-time pay supplement, 4) the retiree one-time pay supplement, and 5) absorbed the health insurance premium increase for all city employees.

REPORT FROM THE MAYOR

Mayor Woody Jacobs appointed Mr. Edgar Veigl to the Cullman Housing Authority Board.

COMMENTS FROM ANYONE NOT ON THE AGENDA - None.

PUBLIC HEARINGS – None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Cherrelle Fancher of the Cullman Home School Association for a special event permit to hold a trunk or treat on Wednesday, October 25th, 2017 from 1:00 p.m. until 5:00 p.m. Council Member Folsom seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve the request from Cameron Berryhill of 7th Street Baptist Church for a special event permit to hold their annual Trunk or Treat on Wednesday, October 11th, 2017 from 4:00 p.m. until 8:00 p.m. Council Member Folsom 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 to adopt the following resolution:

RESOLUTION NO. 2017 – 107

TO AWARD BID R-01790 FOR VARIOUS SIZES OF BLACK PLASTIC DOUBLED WALLED PIPE

WHEREAS, bids were opened on September 21st, 2017 at 2:00 p.m. for various sizes of black plastic doubled walled pipe,

WHEREAS, the following bids were opened:

American Pipe & Supply, Inc.	Birmingham, Alabama	No Bid
Bear Concrete Products, Inc.	Cullman, Alabama	Various Pricing
Central Pipe & Supply, Inc.	Pearl, Mississippi	No Bid
Choctaw, Inc.	Five Points, Alabama	No Bid

G & C Waterworks, Inc.	Atwood, Tennessee	No Bid
Hanson Pipe, Inc.	Birmingham, Alabama	No Bid
Harvey Culvert Company, Inc.	Cleveland, Alabama	No Bid
Labarge Pipe & Steel, Inc.	Birmingham, Alabama	No Bid
National Waterworks, Inc.	Pelham, Alabama	No Bid
Summit Pipe & Supply, Inc.	Northport, Alabama	No Bid
Tristar Pipe & Supply, Inc.	Jasper, Alabama	No Bid
Vellano Brothers, Inc.	Lincoln, Alabama	No Bid

WHEREAS, the recommendation from Street Superintendent Scotty Talley is to award the bid to Bear Concrete Products, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for various sizes of black plastic doubled walled pipe be awarded to Bear Concrete Products, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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 OF THE CULLMAN CITY COUNCIL

WHEREAS, the Cullman Area Mental Health Authority, Inc. ("Cullman") engages in the operation of certain mental health Programs in Cullman County, Alabama; and

WHEREAS, the Huntsville-Madison County Mental Health Board, Inc. d/b/a WellStone Behavioral Health ("WellStone") engages in the operation of certain mental health Programs, as defined by Code of Alabama (1 975) § 22-5 I-1(8), in Madison County, Alabama; and

WHEREAS, Cullman and WellStone have agreed to combine their programs to create a comprehensive system providing quality mental and behavioral health care and programs to the community at large in Madison County and Cullman County through a transaction in which Cullman will transfer all or substantially all of its assets and obligations to WellStone (the "Transaction"); and

WHEREAS, as part of the Transaction, and contingent upon the closing of the Transaction, WellStone will amend its charter by adopting those certain Articles of Amendment to the Certificate of Incorporation of Huntsville-Madison County Mental Health Board, Incorporated, in substantially the form attached hereto as Exhibit A, in order to, among other things, provide services to the Cullman service area, and incorporate the City of Cullman and Cullman County as appointing authorities of WellStone (the "Amended Charter"); and

WHEREAS, as part of the Transaction, and contingent upon the closing of the Transaction, WellStone will amend its bylaws by adopting those certain Amended and Restated Bylaws of WellStone, Inc., in substantially the form attached hereto as Exhibit B (the "Amended Bylaws"), and will enter into an assignment and assumption agreement.

NOW, THEREFORE, BE IT RESOLVED by the Cullman City Council that the Cullman City Council deems the Transaction, Amended Charter, and Amended Bylaws to be in the public interest, and hereby authorizes and approves the Transaction, Amended Charter, Amended Bylaws, and related agreements in all respects.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2017 – 109
TO AUTHORIZE CHANGE ORDER NO. 1 FOR WIREGRASS CONSTRUCTION COMPANY, INC.

WHEREAS, the Cullman City Council awarded the bid for the Larkwood Drive Reconstruction to Wiregrass Construction Company, Inc. in the amount of \$407,812.03;

WHEREAS, CDG Engineers & Associates has recommended that Change Order No. 1 be approved which will increase the total cost of the project by \$57,580.32 due to additional excavation and aggregate due to correct areas of poor soil for the base of the street;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 1 which will increase the total cost of the contract with Wiregrass Construction Company, Inc. to \$465,392.35.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

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

Council President Garlan Gudger held the first reading of Ordinance No. 2017-30. Council Member Folsom made a motion to suspend the rules to consider Ordinance No. 2017-30. Council Member Cook 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: Absent. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2017 - 30
TO AUTHORIZE THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL WATER SUPPLY AGREEMENT WITH THE UTILITIES BOARD OF THE CITY OF CULLMAN RESPECTING THE SERIES 2017 BOND OF THE BOARD

BE IT ORDAINED by the City Council of the City of Cullman, Alabama, a municipal corporation under the laws of the State of Alabama (the "City"), as follows:

Section 1. Findings. The Council does hereby find and declare that the following facts are true and correct:

- (a) The City owns and operates a water distribution system (the "Distribution System") and The Utilities Board of the City of Cullman, a public corporation under the laws of the State of Alabama (the "Board"), owns and operates a water supply system (the "Supply System"); and
- (b) The Board is presently supplying to the City from the Supply System the City's requirements of filtered water for municipal purposes and for resale through the Distribution System pursuant to a Water Supply Agreement between the Board and the City dated as of June 1, 2011, as amended by an Amendment to Water Supply Agreement between the Board and the City dated December 8, 2014, and as amended and supplemented by a Supplemental Water Supply Agreement between the Board and the City dated March 12, 2015 (the "Existing Agreement"); and
- (c) The Board and the City have determined that it is necessary, desirable and in the public interest that the Board acquire and construct certain capital improvements to the Supply System to provide additional water supply to the City to meet the needs of the City and customers of the City's Distribution System; and
- (d) In order for the Board to provide funds to pay the costs of such improvements, it will be necessary for the Board to issue its \$24,190,000 Water Revenue Bond, Series 2017-DWSRF-DL, dated October 1, 2017 (the "Series 2017 Bond"), and the City hereby requests that the Board issue the Series 2017 Bond for such purpose; and
- (e) The Board and the City recognize that certain amendments to the Existing Agreement are necessary in order to enable the Board to issue the Series 2017 Bond, and the Board and the City have determined to enter into the Second Supplemental Water Supply Agreement for such purpose; and
- (f) The Council deems it necessary, desirable and in the public interest that the City authorize, execute and deliver the Second Supplemental Water Supply Agreement.

Section 2. Authorization of Second Supplemental Water Supply Agreement. The Council does hereby authorize and direct the Mayor of the City to execute and deliver, in the name and on behalf of the City, a Second Supplemental Water Supply Agreement with the Board dated October 1, 2017 (the "Second Supplemental Water Supply Agreement"), in substantially the form presented to the meeting at which this ordinance is adopted (which form shall be attached as Exhibit I to the minutes of such meeting and is hereby adopted in all respects), with such changes as the said Mayor shall approve. The City Clerk is hereby authorized and directed to affix

the seal of the City to the said Second Supplemental Water Supply Agreement and to attest the same. The Council hereby further ratifies and affirms the Existing Agreement, as supplemented and amended by the Second Supplemental Water Supply Agreement herein authorized.

Section 3. General Authorization. The Mayor and the City Clerk are each hereby further authorized and directed to execute, seal, attest and deliver such other agreements, instruments, notices, directions, orders, certificates or other documents as shall be necessary or desirable in order to consummate the transactions herein authorized.

Section 4. Severability Provisions. The various provisions of this ordinance are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this ordinance.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Absent. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

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

RESOLUTION NO. 2017 - 110

TO ADOPT THE ANNUAL BUDGET FOR THE CITY OF CULLMAN BEGINNING OCTOBER 1ST, 2017 AND ENDING SEPTEMBER 30TH, 2018

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

1. That the General Fund Budget in the amount of \$32,565,304 or so much as may be necessary to defray the expenses and liabilities of the City of Cullman, is hereby appropriated for said purposes as therein specified.
2. That the budget in the amount of \$7,030,000 for the Property and Sales Tax Fund, a major fund, is hereby appropriated for the purposes as therein specified.
3. That the Miscellaneous and Special Fund Budgets in the following amounts: Four Cent Gas Tax Fund - \$237,000; Seven Cent Gas Tax Fund - \$502,000; Industrial Purpose Fund - \$180,000; Alabama Trust Fund - \$277,000; Corrections and Court Fund - \$300,000; Court Judicial Fund - \$181,000; Industrial Park Fund - \$130,000; Industrial Access Road Fund - \$10,000; Cullman Building Account - \$2,777,000; Parks and Recreation Construction Fund - \$16,000; Transportation Enhancement Fund - \$3,000,000; Downtown Revitalization Fund - \$515,000; Brunner Street Fund - \$790,000; Roy Ingle Trust Fund - \$1,000; and Debt Service Funds - \$1,574,848 or so much thereof as may be necessary to defray the expenses and liabilities of the City of Cullman, are hereby appropriated for the purposes specified therein.
4. That the budget for the Sewer Fund in the amount of \$9,396,050; the budget for the Water Fund in the amount of \$15,220,400; the budget for the Utilities Board Water Division in the amount of \$11,401,467; and for the Airport Fund in the amount of \$1,476,200 or so much thereof as may be necessary to defray expenses and liabilities, is hereby appropriated for such purposes as therein specified, together with such expenditures for principal payments and for equipment and capital improvements as authorized by the City Council.
5. That a budget for expenses for the Parks and Recreation Fund in the amount of \$3,636,800 or so much thereof as may be necessary to defray expenses and liabilities, is hereby established for such purposes, together with such expenditures for principal payments and for equipment as may be required.
6. That such amounts as are required to be transferred between funds for various purposes are hereby appropriated.
7. That adjusted classifications, changes in pay and employee benefits, and changes in the positions and structure of departments as implemented in these budgets are hereby adopted.
8. This Resolution, if approved by the City Council, shall become effective on the 1st day of October, 2017.

BE IT FURTHER RESOLVED that the Mayor, the City Treasurer, and the City Clerk are hereby authorized (1) to expend such funds as are herein allocated and as directed by the Cullman City Council and (2) to make such line item adjustments as are necessary to accurately reflect the expenditures of each department and any other changes as directed by the Cullman City Council.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2017 – 111
AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly, and is incorporated into the Fiscal Year 2017-18 City Budget.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2017 - 112
TO ADOPT THE PAY MATRIX AND JOB CLASSIFICATIONS FOR THE CITY OF CULLMAN, ALABAMA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the new employee pay matrix and job classifications will become effective for the pay period beginning on October 1st, 2017.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

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

Council President Garlan Gudger asked for the City Council and Mayor to consider Board Appointments: Council Member Folsom made a motion to reappoint Dean Green to the Cullman County Library Board. Council Member Cook seconded the motion, and the appointment was approved by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2017 - 113
TO APPROVE THE FISCAL YEAR 2016-17 WRITE-OFFS FOR THE CITY OF CULLMAN, ALABAMA

WHEREAS, the City Treasurer, Sherry Compton, recommends that the Cullman City Council write-off the attached bad debts listing which has been turned over to a bad debt collection agency;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the attached bad debts listing for fiscal year 2016-17 are hereby written-off.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2017 – 114
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 family coverage for full-time employees;

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 family coverage for full-time employee.

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 29th day of September, 2017.

/s/ Woody Jacobs - Mayor

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

Council President Garlan Gudger 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 12:23 p.m. by a voice vote. Ayes: All. Nays: None.