

## **CULLMAN CITY COUNCIL MEETING ON APRIL 24<sup>TH</sup>, 2017 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:03 o'clock p.m. on Monday, April 24<sup>th</sup>, 2017. Mr. Chad Witcher presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Council Member Andy Page, Council Member Johnny Cook, Council Member Clint Hollingsworth, Council President Pro Tem Jenny Folsom, and Council President Garlan Gudger. Absent: None. 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 April 10<sup>th</sup>, 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: Aye. 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 April 10<sup>th</sup>, 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: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA - 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 presented the Financial Report for the 2<sup>nd</sup> Quarter of Fiscal Year 2017. She noted that revenues were up almost 3%, expenses were down nearly 10%, and an unemployment rate of 4.5% in March was 3<sup>rd</sup> lowest in the State of Alabama.

### **REPORT FROM THE MAYOR**

Mayor Woody Jacobs proclaimed April as Fair Housing Month:

#### **PROCLAMATION**

WHEREAS, April 11, 2017 marks the forty-ninth Anniversary of the passage of the United States Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which enunciated a National Policy of fair housing without regard to race, color, religion, sex, and national origin; and

WHEREAS, the effective implementation of the National Policy depends on affirmative action at all levels of Government;

NOW, THEREFORE, I, Woody Jacobs, Mayor, City of Cullman, do hereby proclaim the month of April 2017, as Fair Housing Month in recognition of the importance of fair housing to our way of life, and I urge our citizens to obey the letter and the spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Cullman affixed this the 24<sup>th</sup> day of April 2017. /s/ Woody Jacobs – Mayor

ATTEST: /s/ Wesley M. Moore – City Clerk

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

### **PUBLIC HEARINGS**

President Gudger held the first reading of Ordinance No. 2017-12 to amend the special events district and set the public hearing for June 5<sup>th</sup>, 2017 at 7:00 p.m.

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

Council Member Cook made a motion to approve the request from Joyce Echols of Watchmen over Cullman for a special event permit to hold a gathering on the front steps of City Hall on May 4<sup>th</sup>, 2017 (National Prayer Day) from 6:00 p.m. until 8:00 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Ryan Pierce and Larissa Mueller for a special event permit and noise permit to hold a wedding with reception to follow in the alley behind Southern Accents and Fairview Florist on May 20<sup>th</sup>, 2017

from 6:00 p.m. until 10:30 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None. Council President Gudger abstained from voting on this request.

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

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

**RESOLUTION NO. 2017 – 71  
TO AUTHORIZE CHANGE ORDER NO. 1 FOR CARCEL & G CONSTRUCTION, LLC**

WHEREAS, the Cullman City Council awarded the bid on January 16<sup>th</sup>, 2017 for Downtown Streetscape Phase IV to Carcel & G Construction, LLC in the amount of \$481,558.00;

WHEREAS, CDG Engineers & Associates, Inc. has recommended that the Cullman City Council approve Change Order No. 1 in the amount of \$6,975.73 to modify and add handrails along U.S. Highway 31;

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 to Carcel & G Construction, LLC for Downtown Streetscape Phase IV to \$425,533.73.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of April 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of April 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 – 72  
TO AWARD BID FOR THE REPLACEMENT OF THE ULTRAVIOLET TREATMENT SYSTEM  
AT THE CULLMAN WASTEWATER TREATMENT PLANT**

WHEREAS, bids were opened on April 6<sup>th</sup>, 2017 at 10:00 a.m. for the replacement of the ultraviolet treatment system at the Cullman Wastewater Treatment Plant,

WHEREAS, the following bids were opened:

Apel Machine and Supply Co., Inc.	Hanceville, AL	\$2,607,500
B.H. Craig Construction Co., Inc.	Florence, AL	\$2,138,000
<b>The Creel Company, Inc.</b>	<b>Mobile, AL</b>	<b>\$2,015,545</b>
J & P Construction Co., Inc.	Tuscaloosa, AL	\$2,040,000
Mark Johnson Construction, LLC	Tuscaloosa, AL	\$2,123,000
P.F. Moon and Company, Inc.	West Point, GA	\$2,414,500

WHEREAS, the recommendation from WWTP Superintendent Jeff Adams is to award the bid for the replacement of the ultraviolet treatment system at the Cullman Wastewater Treatment Plant to The Creel Company, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for the replacement of the ultraviolet treatment system at the Cullman Wastewater Treatment Plant is hereby awarded to The Creel Company, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of April 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of April 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 Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2017 – 73**  
**TO AWARD BID R-01776 FOR TREE REMOVAL SERVICES**

WHEREAS, bids were opened on April 20<sup>th</sup>, 2017 at 2:00 p.m. for tree removal services at 1725 Highland Drive NW,

WHEREAS, the following bids were opened:

Colburn's Tree Service	Cullman, Alabama	No Bid
Keller's Tree Service	Cullman, Alabama	No Bid
Marshall's Tree Service	Cullman, Alabama	No Bid
Michael's Tree Service	Cullman, Alabama	No Bid
Newman's Tree Service	Cullman, Alabama	No Bid
<b>Reeve's and Son LLC</b>	<b>Cullman, Alabama</b>	<b>\$ 2,450</b>

WHEREAS, the recommendation from City Arborist Darrell Johns is to award the bid to Reeve's and Son, LLC, the lowest responsible bidder, in the amount of \$2,450.

BE IT RESOLVED by the Cullman City Council that the bid for tree removal services at 1725 Highland Drive NW be awarded to Reeve's and Son, LLC, the lowest responsible bidder, in the amount of \$2,450.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of April 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of April 2017.

/s/ Woody Jacobs - Mayor

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

Council President Gudger held the first reading of Ordinance No. 2017-13 to amend the City of Cullman Alcohol Ordinance.

Council President Gudger held the first reading of Ordinance No. 2017-14 to participate in the 2017 Back-to-School Sales Tax Holiday. Council Member Cook made a motion to suspend the rules to consider the Ordinance. Council Member Folsom seconded to motion to suspend, 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Folsom made a motion to adopt the following ordinance:

**ORDINANCE NO. 2017 – 14**  
**TO PROVIDE FOR THE EXEMPTION OF THE COVERED ITEMS IN ACT 2006-574 FROM CITY SALES TAX**

WHEREAS, the Legislature of the State of Alabama through Act 2006-574 has allowed cities and counties to exempt certain items mainly for the purchase of supplies, course studies, and clothing for children at the beginning of each school year, from sales and use taxes, the items allowed to be exempt specifically outlined in Act 2006-574;

WHEREAS, Act 2017-120 also limits the exemption to items purchased during a specific period of time being 12:01 a.m. on the third full weekend in July;

WHEREAS, the City of Cullman, Alabama, receives directly or indirectly through ordinance or legislative act, certain sales and use taxes which may be exempted under the provisions of Act 2006-574;

WHEREAS, the Cullman City Council finds and determines that it concurs with the exemption enacted by the Legislature in order to encourage and assist families in the purchase of necessary and essential items to properly clothe and provide their children with quality equipment and sufficient supplies to enhance their learning, comfort, and enjoyment of the school year ahead.

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

Section 1. The City of Cullman, Alabama, hereby abates or suspends and exempts only those items listed in Act 2006-574 from sales and use taxes levied or received by the City of Cullman for sales completed (being purchased and delivered to the customer) during the period commencing on Friday, July, 21<sup>st</sup>, 2017 at 12:01 a.m. and ending on the following Sunday, July 23<sup>rd</sup>, 2017 at 12:00 midnight. The items listed in Act 2006-574 shall not be exempt from sales or use tax during any time period other than the above stated third full weekend in July.

Section 2. The Cullman City Council may amend this ordinance or adopt a separate ordinance to extend this exemption of sales and use tax for the third full weekend in July for future years.

Section 3. Nothing in this Ordinance shall be construed to grant, exempt, amend, abate, or void any sales or use tax ordinance, law or legislation in any manner other than described in Alabama Legislative Act 2006-574.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of April 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of April 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: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

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

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

**RESOLUTION NO. 2017 – 62**  
**TO ENTER INTO A CONTRACT FOR SERVICES WITH CAMP MEADOWBROOK**

WHEREAS, the Cullman City Council has determined that entering into a contract for services with Camp Meadowbrook to provide facilities and meeting space for public and community meetings which will service a public purpose;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute a contract for services with Camp Meadowbrook in the amount of \$1,000 per month for a period not to exceed 12 months.

ADOPTED BY THE CITY COUNCIL this the 24<sup>th</sup> day of April 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24<sup>th</sup> day of April 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 asked Mr. Chad Witcher to address the Council about the request to close First Avenue in the Warehouse District. Mr. Chad Witcher, owner of If the Shoe Fits, requesting the Mayor to add temporary handicapped places. Council President Gudger asked Mayor Jacobs to follow up on this request.

Council President Gudger asked City Clerk Wes Moore to place the following letter into the minutes:

4/17/17

*To Whom It May Concern:*

*I feel it is a ridiculous idea to close the street off in the historic district every Saturday.*

*I very often take my handicapped, elderly aunt shopping. I drop her off in front of Handbags and Gladrags (because that is the only store that she visits ever in that area) and then, I look for a parking spot.*

*It would be terrible if we had to park a block away because the street is closed, thus causing her to walk (on her walker) to the store.*

*There is limited parking on a normal day. Why would anyone want to close the street and take up valuable parking spaces?*

*Please, do not do this.*

*Rebecca Flanagan*

Council President Garlan Gudger asked for a motion to adjourn. Council Member Folsom made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:37 p.m. by a voice vote. Ayes: All. Nays: None.