

CULLMAN CITY COUNCIL MEETING ON JUNE 26TH, 2017 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:09 o'clock p.m. on Monday, June 26th, 2017. Fire Chief Edward Reinhardt 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 June 5th, 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 June 5th, 2017 as written. Council Member Page 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 recognized our retirees from the Fire Department: Tim Richard – Fire Engineer and Greg Smith – EMS Division Fire Chief. Chairman Page presented EMT of the Year to Chase Cornell and Firefighter of the Year to Jason Lamb.
2. Utilities Committee - Chairman Garlan Gudger asked the crowd to sign Happy Birthday to our special guest, Ms. Hannah Jacobs.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth - No report.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR - No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

President Gudger opened the public hearing for Ordinance No. 2017-15 to vacate and surplus a city-owned sidewalk directly north of Rumor's Deli at 7:20 p.m. and closed the hearing at 7:22 p.m. There were no comments from the public.

President Gudger opened the public hearing for Ordinance No. 2017-16 to rezone 1006 Second Avenue NW from M-1 Manufacturing District to B-2 Business District at 7:22 p.m. and closed the hearing at 7:24 p.m. There were no comments from the public.

President Gudger opened the public hearing for Ordinance No. 2017-17 to rezone a vacant lot located at the corner of Denson Avenue SW and 3rd Street SW from CBD Central Business District to R-4 Residential District at 7:24 p.m. and closed the hearing at 7:26 p.m. There were no comments from the public.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to approve the request from WWTP Superintendent Jeff Adams to purchase road base materials and asphalt paving for a pump station access road from Jones Brothers Paving in the budgeted amount not to exceed \$14,880. 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 Ronald Stevenson of 2906 Leighsdale Avenue SW for a special event permit to stand and minister on the sidewalks of Cullman through August 31st, 2017 pending the approval of Chief Culpepper and no complaints. Council Member Cook seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Carl Malin of Calvary Apostolic 1st UPC for a special event permit to hold family fun days on July 29th, 2017 from 11:00 a.m. until 7:00 p.m. at 303 Clark Street NE. 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 Cook made a motion to approve the request from Ron Lamon of Vinemont Baptist Church for a special event permit to hold a community walk from Mary Carter's store to Depot Park on August 12th, 2017 from 10:00 a.m. until Noon to support suicide

prevention and awareness. 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 Cook made a motion to approve the request from Cali Tidwell of Desperation Church for a special event permit to hold the annual fireworks show in Heritage Park on July 4th, 2017 from 5:00 p.m. until 10:00 p.m. pending the approval of the State Fire Marshal. 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

President Gudger held the second reading of Ordinance No. 2017-15. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2017 – 15 TO DECLARE CERTAIN PROPERTY SURPLUS WHICH IS NO LONGER NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES BY THE CITY OF CULLMAN, ALABAMA

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

SECTION 1. It is hereby established and declared that the following described real property of the City of Cullman, Alabama, is no longer needed for public or municipal purposes, to-wit: A parcel of land, otherwise known as a sidewalk north of Rumor's Deli, which is 24.20 feet by 100 feet, more or less, located directly west of Clark Street NE and being more particularly described as:

“Begin at the northeast corner of block 2 of Osborne's addition to the City of Cullman as recorded in map cabinet A, slide 49 in the Office of the Judge of Probate, Cullman County, Alabama same being the intersection of the west right-of-way line of 1st Avenue southeast, with the south right-of-way line of Clark Street NE, having an Alabama state plane, west zone, NAD 83 coordinate value of N.1520725.70', E.2166998.76, and run thence south 63 degrees 06 minutes 08 seconds west (bearing based on AL. state plane, west zone, NAD 83, grid), a distance of 100.00 feet to the northwest corner of said block 2, same being the east right-of-way line of a railroad right-of-way; thence north 26 degrees 53 minutes 52 seconds west, and run along said east railroad right-of-way line, a distance of 24.20 feet; thence north 63 degrees 06 minutes 08 seconds east, a distance of 100.00 feet to the west right-of-way line of said 1st Avenue southeast; thence south 26 degrees 53 minutes 52 seconds east, a distance of 24.20 feet to the point of beginning.”

SECTION 2. That the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Cullman, Alabama, a warranty deed, a copy of which is on file in the office of the City Clerk, whereby the City of Cullman, Alabama, does convey the premises described Section 1 hereof to the adjoining property owners for its fair market value.

SECTION 3. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 26th day of June, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 26th day of June, 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.

President Gudger held the second reading of Ordinance No. 2017-16. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2017 – 16 AMENDING ORDINANCE NO. 2004-03 AND THE ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE- ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Rodney Kinney, the following describe the tract or parcel of land, to-wit:

PPIN: 010978. PARCEL: 17-02-09-1-017-003.000. ADDRESS: 1006 Second Avenue NW, Cullman, Alabama 35055.

DESCRIPTION: Beginning at a point 350 feet West of the East line of the Southeast Quarter of the Northeast Quarter of Section 9, Township 10 South, Range 3 West, which point is also the Northeast Corner of the four acres of land brought by T.L. Humphrey and

running in a Northwesterly direction along the railroad tract (right of way) 185 feet to a point of beginning; thence continue running in a Northwesterly direction along said railroad tract 185 feet; thence run West 305 feet; thence in a Southeasterly direction 185 feet, thence run East 305 feet to the point of beginning. Situated in the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M-1 Manufacturing District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from M-1 Manufacturing District to B-2 Business District.

2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

3. That a public hearing be held relative to the passage of this ordinance on the 26th day of June, 2017 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance be and are hereby changed and amended to reflect the changes and amendments herein.

6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this ordinance.

7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 26th day of June, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 26th day of June, 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.

President Gudger held the second reading of Ordinance No. 2017-17. Council Member Cook made a motion to table the following ordinance at the request of the property owners:

ORDINANCE NO. 2017 – 17

AMENDING ORDINANCE NO. 2004-03 AND THE ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Judy Shannon, the following describe the tract or parcel of land, to-wit: PPIN: 022332. PARCEL: 17-05-16-1-021-002.000.

ADDRESS: A vacant lot at the southeast corner of 3rd Street SW & Denson Avenue SW.

DESCRIPTION: Lots Number 7 and 8 in Block Number 21 in Musgrove's Addition to Cullman, Alabama, known as West Cullman, as the same is shown on the recorded map or plat of said addition in the office of the Judge of Probate of Cullman County, Alabama. Subject to a 10 foot wide right-of-way easement across the West side of the above described lots. For source of title, see Deed Book 352, Page 339, and the Last Will and Testament of Roy Wendell Speegle. Situated in the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as CBD Central Business District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from CBD Central Business District to R-4 Residential District.

2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the

second publication either verbatim or synopsised, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

3. That a public hearing be held relative to the passage of this ordinance on the 26th day of June, 2017 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance be and are hereby changed and amended to reflect the changes and amendments herein.

6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this ordinance.

7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 26th day of June, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 26th day of June, 2017.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was tabled 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.

President Gudger held the first reading of Ordinance No. 2017-18 to annex the property located at 451 County Road 1467 owned by Pam and Jerry Cason into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission.

President Gudger held the first reading of Ordinance No. 2017-19 to annex the property located at 48 County Road 497 owned by Virgena Thornton into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission.

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

**RESOLUTION NO. 2017 – 82
TO AWARD THE BID FOR TREE SERVICES**

WHEREAS, bids were opened on June 22nd, 2017 at 2:00 p.m. for tree services at 16th Street SE,

WHEREAS, the following bids were opened:

Marshall's Tree Service	Cullman, AL	No Bid
Michael's Tree Service	Cullman, AL	No Bid
Reeve's and Son, LLC	Cullman, AL	\$ 1,850.00

WHEREAS, the recommendation from City Arborist Darrell Johns is to award the bid for tree services at 16th Street SE to Reeve's and Son, LLC, the lowest responsible bidder, in the amount of \$1,850.00.

BE IT RESOLVED by the Cullman City Council that the bid for tree services at 16th Street SE is hereby awarded to Reeve's and Son, LLC, the lowest responsible bidder, in the amount of \$1,850.00.

ADOPTED BY THE CITY COUNCIL, this the 26th day of June, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 26th day of June, 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 Member Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2017 – 83
TO ENTER INTO CONTRACT WITH BALLEW BUILDING COMPANY, INC.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Ballew Building Company, Inc. for professional services related to project management in the amount not to exceed \$25,000;

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 contract with Ballew Building Company, Inc. for professional services related to project management in the amount not to exceed \$25,000.

ADOPTED BY THE CITY COUNCIL, this the 26th day of June, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 26th day of June, 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 Garlan Gudger asked for the City Council and Mayor to consider Board Appointments: None.

Council President Garlan Gudger asked for a motion to adjourn. Council Member Cook made a motion to adjourn. Council Member Folsom seconded the motion, and the meeting was adjourned at 7:32 p.m. by a voice vote. Ayes: All. Nays: None.