

## **CULLMAN CITY COUNCIL MEETING ON JULY 17<sup>TH</sup>, 2017 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, July 17<sup>th</sup>, 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, and Council President Pro Tem Jenny Folsom. Absent: Council Member Clint Hollingsworth, Council President Garlan Gudger, and Mayor Woody Jacobs. Also, present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Pro Tem Jenny Folsom asked the Council to consider the minutes from June 26<sup>th</sup>, 2017. Council Member Cook 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: Absent. Council Member Cook made a motion to approve the minutes from June 26<sup>th</sup>, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

**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 - No report.

**REPORT FROM THE MAYOR** - No report.

### **COMMENTS FROM ANYONE NOT ON THE AGENDA**

Joe Wilhite of 388 County Road 1503 expressed his disappointment in the Cullman City Council considering expanding the special events district in Cullman, Alabama.

### **PUBLIC HEARINGS**

Council President Pro Tem Folsom opened the public hearing at 7:03 p.m. for Ordinance No. 2017-12 to extend the Festhalle/Depot Park District (SE-1 Special Events District) which received a favorable recommendation from the City of Cullman Planning Commission. Ron Pierce of the Cullman Downtown Merchants Association spoke in favor of expanding the special events area, which promotes commerce in the Downtown Area. Waid Harbison of Cullman City Parks and Recreation spoke in favor of expanding the special events area as well highlighting that over a period of five years we have only had one issue while bringing over 50,000 visitors to the Cullman Special Events District. President Pro Tem Folsom closed the public hearing at 7:09 p.m.

Council President Pro Tem Folsom set a public hearing for August 28<sup>th</sup>, 2017 at 7:00 p.m. for Ordinance No. 2017-23 to vacate and surplus the right-of-way at Hays Drive NW and Northcrest Drive NW which received a favorable recommendation from the City of Cullman Planning Commission.

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

Council Member Page made a motion to approve the request from Waid Harbison of Cullman City Parks and Recreation for a special event permit to hold the ASA National Archery Tournament at St. Bernard Abbey starting August 3, 2017 at 6:00 a.m. and ending August 6, 2017 at 6:00 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.

Council Member Cook made a motion to approve the request from Chris Van Dyke of Mental Healthcare of Cullman for a special event permit to hold the 11<sup>th</sup> Annual Oktoberfest 5K and 10K runs starting at 8:00 a.m. on October 7, 2017. Council Member Page 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 Waid Harbison of Cullman City Parks and Recreation for a special event permit to hold the Annual Midnight Run 5K starting at Midnight on August 4, 2017. 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 Page made a motion to approve the request Justin Gilley of Moe's Original BBQ for a special event permit to hold the annual Car and Bike Show on the First Avenue SE Block on August 12, 2017 from 3:00 p.m. until 10:00 p.m. to benefit "Shop

with a Cop". 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 from Ron Pierce of Cullman Downtown Merchants Association for a special event permit to hold Celebrate Cullman on August 4, 2017 from 4:00 p.m. until 9:00 p.m. in the Special Events Area. Council Member Page seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Folsom read a request from Jacob Wood of WDJC Properties, LLC to improve a city alley located beside 412 Second Avenue SE, but the request died to due a lack of motion. City Attorney Roy Williams stated that the City Council could not approve the request as submitted.

Council Member Cook made a motion to approve the request from Sanitation Superintendent Larry Jones to purchase two 4WD Trucks on the city bid from Mitch Smith Chevrolet in the budgeted amount not to exceed \$75,000. Council Member Page 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 move the request to the end of the agenda from Shane Quick of Mae's Food Hall located at 110 First Avenue NE for a Restaurant Class III alcohol license, which received a favorable recommendation from the City of Cullman Alcohol Review Committee. Council Member Page seconded the motion to move the request to the end of the agenda, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

Council President Pro Tem Folsom held the second reading of Ordinance No. 2017-12. Council Member Cook made a motion to adopt the following ordinance:

**ORDINANCE NO. 2017 – 12  
AMENDING ORDINANCE NO. 2004-03, AS AMENDED BY ORDINANCE NO. 2013-27,  
(SE-1 SPECIAL EVENTS DISTRICT)**

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

*Section 1.* Ordinance No. 2004-03, as Amended by Ordinance No. 2013-27, is hereby amended by deleting Section 3. D. 3.a. *Festhalle/Depot Park District.* in its entirety and replacing it with the following:

Section 3. D. 3.a. *Festhalle/Depot Park District:* The following boundaries or any portion thereof may be approved for use under the SE-1 District rules. The District shall be bounded on the South by the North side of 5<sup>th</sup> Street SE; bounded on the West by the East property line of the CSX Railroad from 5<sup>th</sup> Street SE to the parking and facilities housing the Cullman Police Department; and on the East by the West side of 2<sup>nd</sup> Avenue NE from 5<sup>th</sup> Street SE to the parking and facilities housing the Cullman Police Department.

All other sections of said Ordinance shall remain in full force and effect.

ADOPTED BY THE CITY COUNCIL this the 17<sup>th</sup> day of July, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 17<sup>th</sup> day of July, 2017.

/s/ Woody Jacobs - Mayor

Council Member Cook 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

Council President Pro Tem Folsom held the second reading of Ordinance No. 2017-18. Council Member Cook made a motion to adopt the following ordinance:

**ORDINANCE NO. 2017 – 18  
TO ANNEX CERTAIN PROPERTY INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA**

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

SECTION 1. The City Council of the City of Cullman finds that the Jerry & Pam Cason has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman:

**PPIN:** 014842

**PARCEL:** 17-01-12-0-001-005.000

**DESCRIPTION:** Lots Numbered Six and Seven (#6 and #7) of the A.A. Walker Subdivision, a map or plat of which is on record in the Office of the Probate Judge of Cullman County, Alabama, in Map Book 4, Page 3,

reference to which is hereby made in aid of and as a part of this description. EXCEPT, a ten (10) foot Strip for Drainage and Utility Easement is reserved off of the North side of the above Lots. Subject to easements, encumbrances, rights of way, covenants, encroachments, setback lines, restrictions, ad valorem taxes for the current year, and agreements and all other matters of record which are applicable to the above-described real estate or that would be disclosed by an accurate survey or careful physical inspection of the above-described real property. FOR SOURCE OF TITLE, SEE DEED BOOK 609 PAGE 646.

**ADDRESS: 451 COUNTY ROAD 1467, CULLMAN, ALABAMA 35055.**

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as **R-1 RESIDENTIAL DISTRICT**.

SECTION 4. The City of Cullman cannot at this time provide adequate fire protection due to limited road access and/or water supply. This property shall continue to be served by its current primary fire responders and/or utility providers. The City of Cullman will be a secondary responder and utility provider.

SECTION 5. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 6. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 17<sup>th</sup> day of July, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 17<sup>th</sup> day of July, 2017.

/s/ Woody Jacobs - Mayor

Council Member Page 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

Council President Pro Tem Folsom held the second reading of Ordinance No. 2017-19. Council Member Page made a motion to table the following ordinance at the request of the property owners:

**ORDINANCE NO. 2017 – 19**

**TO ANNEX CERTAIN PROPERTY INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA**

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

SECTION 1. The City Council of the City of Cullman finds that the Virgena L. Thornton has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman:

**PPIN: 044638**

**PARCEL: 17-08-27-0-001-026.000**

**DESCRIPTION: A parcel of land in the SE ¼ - NE ¼ of Sec. 27, T-10-S, R-3-W and more particularly described as: starting at the SE corner of said forty; thence West 30 feet to the West right of way of a County Road; thence North along said right of way 423 feet to the North margin of a 40 foot street; thence West 150 feet along the North margin of a 40 foot street called Country Lane to the Southeast corner of the subject property and the true point of beginning; thence North 100 feet; thence West 150 feet to the East margin of a 40 foot street; thence South 100 feet to North line of street; thence East 150 feet to the point of beginning and containing 0.34 acres more or less.**

**ADDRESS: 48 COUNTY ROAD 497 (COUNTRY LANE), CULLMAN, ALABAMA 35055.**

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as **R-1 RESIDENTIAL DISTRICT**.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 17<sup>th</sup> day of July, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 17<sup>th</sup> day of July, 2017.

/s/ Woody Jacobs - Mayor

Council Member Cook 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

Council President Pro Tem Folsom held the first reading of Ordinance No. 2017-20 to annex the property located at 2139 County Road 1338 owned by Kenneth and Sandra Sanchez into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission subject to limited city services.

Council President Pro Tem Folsom held the first reading of Ordinance No. 2017-21 to annex the property located at 198 County Road 1334 owned by Joshua and Amy Ray into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission subject to limited city services.

Council President Pro Tem Folsom held the first reading of Ordinance No. 2017-22 to annex the property located at 91 County Road 1401 owned by Amanda Kreps into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission subject to limited city services.

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

**RESOLUTION NO. 2017 – 84**  
**TO ENTER INTO CONTRACT WITH RDS**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into one-year renewable contract with RDS for professional services related to the recovery and discovery of out-of-town delinquent business licensees under the terms approved by the City Attorney and City Clerk;

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 RDS for professional services related to the recovery and discovery of out-of-town delinquent business licensees under the terms approved by the City Attorney and City Clerk.

ADOPTED BY THE CITY COUNCIL this the 17<sup>th</sup> day of July, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 17<sup>th</sup> day of July, 2017.

/s/ Woody Jacobs - Mayor

Council Member Page 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 – 85**  
**AMENDING THE EMPLOYEE HANDBOOK REVISED OCTOBER 26, 2009**

WHEREAS the City Council desires to clarify the City's policy on Probationary New Hires.

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

Section I: The City Council of the City of Cullman, Alabama hereby rescinds paragraph styled APPOINTMENTS AND PROBATIONARY PERIODS, Page 7, in its entirety.

Section II: The City Council hereby replaces said paragraph rescinded above by adding the following paragraph to Page 7:

#### APPOINTMENTS AND PROBATIONARY PERIODS

An Appointment occurs when the applicant accepts an office of employment and a date of hire is agreed upon with the appointing authority. The types of appointments are as follows:

**New Hire:** When you initially accept an appointment in city government you are considered a new hire. As a new hire, you will be required to serve a probationary period of at least twelve (12) months, which may be reduced to a term of not less than six (6) months. Any person whose probationary period is reduced to six (6) months shall be notified in writing of the reduction by the Mayor or Mayor Designee. Any person who during any portion of his or her probationary period is placed on or takes leave due to FMLA, Workman's Compensation, lay off, sick leave, military leave, leave without pay or personal leave, his/her probationary period will be automatically extended for the period of time past the original probation period that employee is on FMLA, Workman's Compensation, lay off, sick leave, military leave, leave without pay or personal leave, after the twelve (12) month minimum period or any period of a probationary period. Any person employed as a police officer or firefighter who has not completed the minimum training required by law within the twelve (12) months probationary period shall not become a permanent employee until after the training is complete. At any time during the probationary period thereof by written notice or failure to complete training (in case of police or firefighter), the appointing authority may notify the probationary employee that his/her employment is terminated with or without cause.

#### Reemployment

1. Military re-employment
2. Permanent employees who have been laid off
3. Reclassification of position to a lower class
4. Seasonal Employees
5. Permanent disability arising from an injury sustained at work

**Reinstatement** – If you have been separated from the City for more than two (2) years, reinstatement will require the approval of the Department of Personnel.

**Reappointment** – Can be reappointed to a class that you formerly held or a comparable class if you meet the current minimum qualifications and receive the appointing authority's approval.

**Transfer** – Can be considered for a transfer to another Department without loss of benefits, retirement, insurance, sick leave and annual leave credit. Request should be made directly to the Human Resource department or the Mayor.

**Demotion** – Employee may be demoted to a position of lower grade for the following reasons: employee's position is being abolished, employee's performance is not considered satisfactory, or employee voluntarily requests such demotion.

**Promotion** – Promotion is advancement to a vacant position in a class that has a higher grade than the class previously held.

**Other Appointments** – Unclassified employees are appointed outside the merit system.

Section III: This resolution shall become official upon its passage and publication as required by law.

Section IV: If anything in this resolution is declared unconstitutional or void, the remaining portion of the order shall be in full force and effect.

ADOPTED BY THE CITY COUNCIL this the 17<sup>th</sup> day of July, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 17<sup>th</sup> day of July, 2017.

/s/ Woody Jacobs - Mayor

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

President Pro Tem Folsom held the first reading of Ordinance No. 2017-22 to annex the property located at 91 County Road 1401 owned by Amanda Kreps into the city limits of Cullman, Alabama as R-1 Residential District that received a favorable recommendation from the City of Cullman Planning Commission subject to limited city services.

Council President Pro Tem Folsom asked for the City Council and Mayor to consider Board Appointments: None.

Council Member Cook made a motion to approve the request from Shane Quick of Mae's Food Hall located at 110 First Avenue NE for a Restaurant Class III alcohol license, which received a favorable recommendation from the City of Cullman Alcohol Review Committee. Council Member Page seconded the motion to approve the request, and the motion 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 Page seconded the motion, and the meeting was adjourned at 7:23 p.m. by a voice vote. Ayes: All. Nays: None.