

CULLMAN CITY COUNCIL MEETING ON OCTOBER 24TH, 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 24th, 2016. Richard Collins 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 October 10th, 2016. Council Member Cook made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth 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 Cook made a motion to approve the minutes from October 10th, 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 – None.

REPORTS OF STANDING COMMITTEES

1. General Government Committee - Chairwoman Jenny Folsom presented Mayor Max A. Townson will a ceremonial resolution signed by the entire City Council for his extraordinary service to the City of Cullman and its citizens over the last 8 years. City Attorney Roy Williams presented the Mayor with a flag showcasing that Cullman really is “A City of Character”.
2. Public Works Committee - Chairman Johnny Cook recognized Boy Scout Troop 219 who were fulfilling a requirement to receive their government service merit badge.
3. Public Safety Committee - Chairman Andy Page asked Police Chief Kenny Culpepper to give a report on the armed robbery suspect. Police Chief Culpepper stated that the suspect in custody thanks to Scott Sanford, Intae Suh, Adam Clark, Roy Bates, Jeff Mize, Adam Walker, Clint Sanford, Keith Bares, Chris Nichols, Clark Hopper, and Brianna Basinger.
4. Tourism Committee - Chairman Clint Hollingsworth thanked the Mayor for truly “Taking Cullman to the MAX”.
5. Utilities Committee - Chairman Garlan Gudger - No report.

REPORT FROM THE MAYOR

Mayor Max A. Townson asked everyone to voluntarily conserve water because Lake Catoma is 15 feet below full pool.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Jack “Richard” Collins presented the City of Cullman will a resolution from Northside Baptist Church honoring, supporting, and thanking the City of Cullman’s law enforcement for the service to our community and its citizens.

Ray Buchman asked the Mayor and City Council to name Eva Road Bridge after his uncle “Hugh P. Brindley, Sr.”

PUBLIC HEARINGS – None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Edith Smith of Christmas Love for a special event permit to hold their annual Ho Ho Christmas Show on November 12th, 2016 from 8:00 a.m. until 3:00 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.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NUMBER 2017 - 03

WHEREAS, the City of Cullman intends to apply for state and federal matching funds for an airport improvement project for the Cullman Regional Airport during fiscal year 2017.

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

1. That the City of Cullman is authorized to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation and the Federal Aviation Administration, for the purpose of undertaking a project in fiscal year 2017 to make improvements at the Cullman Regional Airport.

2. That the application be submitted for and on behalf of the City of Cullman by its Mayor who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City.

3. That the City of Cullman is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, and the Federal Aviation Administration, for the purpose of undertaking a project to make improvements at the Cullman Regional Airport, with partial funding provided by the State of Alabama and the Federal Aviation Administration.

4. That the agreement be executed in the name of the City of Cullman for and on behalf of the City of Cullman by its Mayor.

5. That the authority of the City of Cullman to enter into contracts with the State of Alabama and the Federal Aviation Administration has been reviewed by the City's attorney, and in his/her opinion, the City of Cullman is duly authorized to commit the City of Cullman to an agreement with the Alabama Department of Transportation and Federal Aviation Administration.

BE IT FURTHER RESOLVED, that the City of Cullman hereby affirms that the local matching share of funds in the amount required for this airport improvement project has been officially approved, placed into the budget of the airport and is available for expenditure upon execution of the Federal Aviation Administration's and the State of Alabama's funding agreements and the start of the project.

I, the undersigned qualified and acting as the City Clerk, of City of Cullman, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City of Cullman named therein, at a regular meeting of such body held on the 24th day of October, 2016, and that such resolution is on file in the office of the City of Cullman.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Cullman on this 10th day of October, 2016.

/s/ Wesley M. Moore - City Clerk

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 to adopt the following resolution:

RESOLUTION NO. 2017 - 04
TO ADOPT THE ANNUAL BUDGET FOR THE CITY OF CULLMAN
BEGINNING OCTOBER 1ST, 2016 AND ENDING SEPTEMBER 30TH, 2017

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 \$32,846,844 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 \$6,677,000 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 - \$136,000; Seven Cent Gas Tax Fund - \$170,000; Industrial Purpose Fund - \$155,000; Alabama Trust Fund - \$275,000; Corrections and Court Fund - \$150,000; Court Judicial Fund - \$50,000; Industrial Park Fund - \$1,300,000; Industrial Access Road Fund - \$700,000; Cullman Building Account - \$7,580,000; Parks and Recreation Construction Fund - \$16,000; Transportation Enhancement Fund - \$308,000; Downtown Revitalization Fund - \$397,000; Brunner Street Fund - \$0; Roy Ingle Trust Fund - \$1,000; and Debt Service Funds - \$6,072,026 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 \$9,961,350; the budget for the Water Fund in the amount of \$17,404,200; the budget for the Utilities Board Water Division in the amount of \$10,734,200; and for the Airport Fund in the amount of \$1,281,540 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 \$3,415,100 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 October 24th, 2016.

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 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th 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 to adopt the following resolution:

**RESOLUTION NO. 2017 – 05
TO ENTER INTO CONTRACT WITH 24 COMMUNICATIONS**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with 24 Communications for professional branding and marketing services in the amount not to exceed \$45,500.00;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter a contract with 24 Communications for professional branding and marketing services in the amount not to exceed \$45,500.00.

ADOPTED BY THE CITY COUNCIL this the 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th 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 Cook made a motion to adopt the following resolution subject to value engineering:

**RESOLUTION NO. 2017 – 06
TO AWARD THE BID FOR THE CONSTRUCTION OF NEW STREET FACILITY**

WHEREAS, bids were opened on October 11th, 2016 at 2:00 p.m. for the construction of the new Street Facility on Mitchell Road,

WHEREAS, the following bids were opened:		Base Bid	Alt. No. 1	Alt. No. 2
Building Construction Associates, Inc.	Decatur, AL	\$ 1,825,000	\$ 544,500	\$ 332,500
Boatner Construction Company, Inc.	Rainbow City, AL	\$ 1,899,000	\$ 541,000	\$ 299,000
Hudak Construction Company, Inc.	Gadsden, AL	\$ 1,948,000	\$ 550,000	\$ 305,000
Joiner Construction Company, Inc.	Vinemont, AL	\$ 1,963,493	\$ 529,537	\$ 284,149
Nearen Construction Co., Inc.	Cullman, AL	\$ 2,050,000	\$ 615,000	\$ 299,000
Eidson & Associates	Cullman, AL	No Bid		

WHEREAS, the recommendation from Shawn Calma of Lathan Associates is to award the bid for the construction of the new Street Facility on Mitchell Road to Building Construction Associates, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for the construction of the new Street Facility is hereby awarded to Building Construction Associates, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL this the 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th day of October, 2016.

/s/ Max A. Townson - Mayor

Council Member Page 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 – 07
TO ENTER INTO CONTRACT WITH CDG ENGINEERS & ASSOCIATES, INC.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with CDG Engineers & Associates, Inc. for professional services related to the Downtown Streetscape Project in the amount not to exceed \$41,000.00;

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 CDG Engineers & Associates, Inc. for professional services related to the Downtown Streetscape Project in the amount not to exceed \$41,000.00.

ADOPTED BY THE CITY COUNCIL this the 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th 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 to adopt the following resolution:

RESOLUTION NO. 2017 - 08
TO ENTER INTO AN AGREEMENT WITH THE CULLMAN AREA CHAMBER OF COMMERCE

WHEREAS, the Cullman Area Chamber of Commerce is seeking to promote tourism in Cullman, to assist new and expanding businesses, and industries, to provide services within the City of Cullman that will increase sales and lodging taxes, and create new jobs, to assist business with employment, and to improve the economy for its citizens while promoting the welfare of the City;

WHEREAS, the Cullman City Council has determined that the Cullman Area Chamber of Commerce serves a public purpose including, but not limited to, promoting tourism in the City of Cullman;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the City authorizes Mayor Max A. Townson to execute the agreement with the Cullman Area Chamber of Commerce and to appropriate funds not to exceed \$2,500 to the Cullman Area Chamber of Commerce to promote tourism in the City of Cullman which serves a public purpose.

ADOPTED BY THE CITY COUNCIL this the 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th 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 Cook made a motion to suspend the rules to consider Ordinance No. 2017-02. Council Member Hollingsworth seconded the motion 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 Cook made a motion adopt the following ordinance:

ORDINANCE NO. 2017 - 02

AN ORDINANCE OF THE CITY OF CULLMAN, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING FEBRUARY 24TH THROUGH FEBRUARY 26TH, AS AUTHORIZED BY ACT 2012-256, GENERALLY REFERRED TO AS THE STATE SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY LEGISLATION

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

Section 1. In conformity with the provisions Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, the City of Cullman, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on Friday, February 24th, 2017 and ending at twelve midnight on Sunday, February 26th, 2017.

Section 2. This ordinance shall be subject to all term, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Cullman, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective upon its adoption by the City Council and approval by the Mayor.

ADOPTED BY THE CITY COUNCIL this the 24th day of October, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 24th day of October, 2016.

/s/ Max A. Townson - Mayor

Council Member Hollingsworth 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: Aye.

Council President Gudger asked for the City Council and Mayor to consider Board Appointments: Council Member Cook made a motion to add Don Smith to the Zoning Board of Adjustments. Council Member Hollingsworth seconded the motion, 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 Page made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:39 p.m. by a voice vote. Ayes: All. Nays: None.