

CULLMAN CITY COUNCIL MEETING ON DECEMBER 19TH, 2016 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, December 19th, 2016. Fire Chief Edward Reinhardt presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Mayor Woody Jacobs, 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 City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Garlan Gudger asked the Council to consider the minutes from December 12th, 2016. 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 December 12th, 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: Absent. 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. Public Works Committee - Chairman Johnny Cook - No report.
3. Utilities Committee - Chairman Garlan Gudger - No report.
4. Tourism Committee - Chairman Clint Hollingsworth - No report.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs thanked all of the City employee who have helped with the Christmas decorations.

COMMENTS FROM ANYONE NOT ON THE AGENDA - None.

PUBLIC HEARINGS

Council President Gudger opened the public hearing at 7:06 p.m. for Ordinance No. 2017-05 to vacate and surplus a right-of-way adjacent to 1299 10th Street SE which received a favorable recommendation from the City of Cullman Planning Commission. There were no public comments. Council President Gudger closed the public hearing at 7:07 p.m.

Council President Gudger opened the public hearing at 7:08 p.m. for Ordinance No. 2017-06 to vacate and surplus an undeveloped portion of Short Street SW west of Broadway Avenue SW which received a favorable recommendation from the City of Cullman Planning Commission. There were no public comments. Council President Gudger closed the public hearing at 7:09 p.m.

Council President Gudger opened the public hearing at 7:10 p.m. for Ordinance No. 2017-07 to rezone 5.3 acres of property beside Spirit Life Church of God from R-1 Residential District to B-2 Business District which received an unfavorable recommendation from the City of Cullman Planning Commission. Anne Gibson of Leisure Lane NW represented 17 people who opposed the rezoning because the property is located in a residential neighborhood. Don Davis of Leisure Lane NW asked if this was the normal procedure. City Attorney Williams responded yes. Building Official Rick Fulmer stated that the City does not owe the property and did not make this rezoning request. Council President Gudger closed the public hearing at 7:14 p.m.

Council President Gudger set the public hearing on January 23rd, 2017 at 7:00 p.m. for Ordinance No. 2017-08 to vacate and surplus Charles Avenue SW extension right-of-ways which received an unfavorable recommendation from the City of Cullman Planning Commission.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to approve the request from Police Chief Kenny Culpepper to purchase from the state bid list a 2017 Chevrolet Pickup Truck from Donohoo Chevrolet, Inc. in the budgeted amount not to exceed \$31,753. 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 Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2017 – 31
TO CHANGE THE DATE OF A CITY COUNCIL MEETING**

WHEREAS, the Cullman City Council has determined that there will be no quorum present for the regularly scheduled City Council Meeting on Monday, January 9th, 2017 at 7:00 p.m.;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the date and time of the Council Meeting on Monday, January 9th, 2017 at 7:00 p.m. is hereby moved to Monday, January 16th, 2017 at 7:00 p.m.

ADOPTED BY THE CITY COUNCIL this the 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/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 – 32
TO RESCIND RESOLUTION NO. 2017 – 26 AND TO AWARD THE BID FOR THE TERTIARY FILTER
INSTALLATION FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, bids were opened on December 1, 2016 at 2:00 p.m. for the tertiary filter installation for the Wastewater Treatment Plant,

WHEREAS, the bid for the tertiary filter installation for the Wastewater Treatment Plant was awarded to B.H. Craig Construction, Inc. on December 12th, 2016;

WHEREAS, Jeff Harrison of CDG Engineers & Associates was found that there was a mathematical error when extending all bid items from B.H. Craig Construction, Inc.

WHEREAS, the following bids were opened and their tabulations have been corrected:

Apel Machine & Supply, Inc.	Hanceville, AL	No Bid
Baird Contracting Company, Inc.	Birmingham, AL	\$ 2,514,500
B.H. Craig Construction, Inc.	Florence, AL	\$ 2,536,000
Cleary Construction, Inc.	Tompkinsville, KY	No Bid
Haren Construction, Inc.	Etowah, TN	\$ 2,815,000
J & P Construction Company, Inc.	Tuscaloosa, AL	\$ 2,495,000
Mark Johnson Construction, LLC	Tuscaloosa, AL	\$ 2,515,500
PF Moon & Company, Inc.	West Point, GA	\$ 2,796,500
Schmidt Environmental Construction, Inc.	Hanceville, AL	\$ 2,770,400

WHEREAS, the recommendation from CDG Engineers & Associates is to award the bid for the tertiary filter installation for the Wastewater Treatment Plant to J & P Construction Company, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that Resolution No. 2017 - 26 is hereby rescinded in its entirety due to error in the bids tabulations received by the City of Cullman.

BE IT FUTHERMORE RESOLVED by the Cullman City Council that the bid for the tertiary filter installation for the Wastewater Treatment Plant is hereby awarded to J & P Construction Company, Inc., the lowest responsible bidder, in the budgeted amount of \$2,494,500.

ADOPTED BY THE CITY COUNCIL this the 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/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 – 33
TO REJECT BIDS AND REBID WORK TRUCKS FOR THE CITY OF CULLMAN

WHEREAS, bids were opened on December 6, 2016 at 2:00 p.m. for one or more 4-wheel drive half ton work trucks,

WHEREAS, the following bids were opened:

Bill Smith Buck GMC, Inc.	Cullman, AL	No Bid
Cullman Chrysler Dodge Jeep, Inc.	Cullman, AL	No Bid
Eckenrod Ford Lincoln of Cullman, Inc.	Cullman, AL	Did Not Meet Specifications
Mitch Smith Chevrolet, Inc.	Cullman, AL	Did Not Meet Specifications

WHEREAS, the recommendation from Water & Sewer Superintendent Chris Freeman is to reject all bids for one or more 4-wheel drive half ton work trucks, since no bidder met the required specifications, and rebid the work trucks with new specifications.

BE IT RESOLVED by the Cullman City Council that all bids received by the City of Cullman are hereby rejected.

BE IT FURTHERMORE RESOLVED by the Cullman City Council that the City is hereby authorized to rebid one or more work trucks with new specifications.

ADOPTED BY THE CITY COUNCIL this the 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/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 suspend the rules to consider the ordinance. 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: Absent. 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 – 05
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 an undeveloped alleyway, which is twenty feet by two hundred and twenty-one feet, more or less, located directly east of 1299 10th Street SE."

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 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/s/ Woody Jacobs - 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: Absent. 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 suspend the rules to consider the ordinance. 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: 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 – 06
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 an undeveloped portion of Short Street, which is fifty feet by two hundred and eighty feet, more or less, located directly west of Broadway Avenue SW."

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 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/s/ Woody Jacobs - 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: 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 suspend the rules to consider the ordinance. 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: 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 reject the following ordinance:

ORDINANCE NO. 2017 – 07
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, Spirit Life Church of God, the following describe the tract or parcel of land, to-wit:

PPIN: 048519. PARCEL: 17-03-05-4-001-010.000. ADDRESS: Vacant Lot containing 5.3 acres more or less.

DESCRIPTION: A part of the Southeast Quarter of the Southeast Quarter Section 5, Township 10 South, Range 3 West, more particularly described as follows: Commence at the Southeast corner of said forty, then North 1 degrees 28'51" W 1141.33 feet to the true point of beginning, thence S 81 degrees 31'57" W 825.50 feet to a point on the East right of way of Old Highway #157, thence N 27 degrees 08;39" W 332.70 feet, thence N 88 degrees 45'50" E to the Northeast corner of said forty, thence S 1 degrees 28'51" W 195.35 feet to the point of beginning. Subject to all existing rights of way for roads, power lines, poles, etc. For source of Title Deed Book 431 Page 560. Situated within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama,

designated as R-1 Residential 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 R-1 Residential 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 synopsisized, 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 19th day of December, 2016 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 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was rejected 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 President Gudger asked for the City Council and Mayor to consider Board Appointments: Council Member Folsom made a motion to reappoint Judy Williamson to the Downtown Redevelopment Authority. Council Member Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2017 – 34

**TO AUTHORIZE THE MAYOR AND CITY OF CULLMAN PARKS AND RECREATION BOARD TO REVIEW
AND IF NECESSARY AMEND THE AGREEMENT WITH ROCK THE SOUTH, LLC**

WHEREAS, the agreement with Rock the South, LLC and the City of Cullman Parks and Recreation Board is set to expire this year;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor and City of Cullman Parks and Recreation Board to review the current agreement and if necessary to amend the agreement with Rock the South, LLC;

BE IT RESOLVED by the Cullman City Council that the Mayor and City of Cullman Parks and Recreation Board is hereby authorized to review the current agreement and if necessary to amend the agreement with Rock the South, LLC.

ADOPTED BY THE CITY COUNCIL this the 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/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 – 35
AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

WHEREAS, the Police Department of the City of Cullman, to more efficiently deploy police officers during the hours when calls are highest, has presented to the City Council a staffing plan for a mid-shift and requests that two certified police officer positions be re-allocated to the positions of police patrol sergeants; and

WHEREAS, the City Council approves this staffing plan and the reallocation of two certified police officer positions to police patrol sergeants, which will not increase the total personnel approved for the Police Department.

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 City Budget.

ADOPTED BY THE CITY COUNCIL this the 19th day of December, 2016.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 19th day of December, 2016.

/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 Gudger asked for a motion to adjourn. Council Member Hollingsworth made a motion to adjourn. Council Member Cook seconded the motion, and the meeting was adjourned at 7:25 p.m. by a voice vote. Ayes: All. Nays: None.