

CULLMAN CITY COUNCIL MEETING ON AUGUST 28th, 2017 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, August 28th, 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 August 14th, 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 August 14th, 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 - 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 recognized the East Elementary Archers for winning the state championship and finishing 4th at Nationals in Orlando.
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

Council President Garlan Gudger held the public hearing 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. There were no comments from the public.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Mary Leone of Daystar House, Inc. for a special event permit to hold the annual Pilgrims Trail 5k and Fun Run beginning at 7:00 a.m. on November 23rd, 2017 around the Saint Bernard Campus. 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 Lynsey Todd of the Warehouse District for a special event permit to hold a sidewalk sale from 9:00 a.m. until 6:00 p.m. on September 15th, 2017 and September 16th, 2017 on First Avenue NE from Rumor's Deli to Flavors Bakery. 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 Cook made a motion to approve the request from Ron Stevenson of Corner Ministries for a special event permit to proclaim "God Loves You" from the sidewalks of Cullman on the dates and times approved by the Police Chief Kenny Culpepper. 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 Page made a motion to adopt the following resolution:

RESOLUTION NO. 2017 – 102 TO AWARD BID R-01785 FOR A MULCHER

WHEREAS, bids were opened on August 8th, 2017 at 2:00 p.m. for a Mulcher,

WHEREAS, the following bids were opened:

Thompson Tractor Company, Inc.	Birmingham, Alabama	No Bid
Huntsville Tractor & Equipment, Inc.	Huntsville, Alabama	No Bid
Tractor & Equipment Company, Inc.	Decatur, Alabama	No Bid
Bobcat of Huntsville, Inc.	Huntsville, Alabama	\$ 16,654.00

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for a Mulcher to Bobcat of Huntsville, Inc., the lowest responsible bidder, in the amount of \$16,654.00;

BE IT RESOLVED by the Cullman City Council that the bid for a Mulcher be awarded to Bobcat of Huntsville, Inc., the lowest responsible bidder, in the amount of \$16,654.00.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 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 – 97
TO ENTER INTO A LEASE AGREEMENT WITH WILLIAM PAGAN

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a Lease Agreement with William Pagan for a building located at 3040 County Road 703;

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 lease agreement with William Pagan for a building located at 3040 County Road 703.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

/s/ Woody Jacobs - Mayor

All. Nays: None.

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

RESOLUTION NO. 2017 - 98
TO DECLARE CERTAIN PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN

WHEREAS, the Cullman City Council hereby finds and determines that the City of Cullman is owner of various capital assets and inventory that is no longer needed by the City of Cullman for public or municipal purposes and that the best interests of the City will be served by the sale or disposal of said property;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to designate a City employee to sell or disposal of said property that is no longer needed by the City of Cullman for public or municipal purposes for its present fair market value.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 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 Cook made a motion to adopt the following resolution subject to Mayor Woody Jacobs and Council President Garlan Gudger approving the terms of the lease:

RESOLUTION NO. 2017 – 99

EXTENDING THE LEASE WITH CENTRAL NETWORK RETAIL GROUP, LLC f/k/a MARVIN’S, LLC

WHEREAS, Central Network Retail Group, LLC, wishes to extend the its Lease with the City of Cullman until August 31, 2018, as set out in the Amendment to Lease Agreement attached hereto; and

WHEREAS, the City of Cullman, having no urgent necessity for the property leased, wishes to extend the Lease with Central Network Retail Group, LLC, under the same terms and conditions.

IT IS DECLARED AS FOLLOWS:

1. The Lease between the City of Cullman and Central Network Retail Group, LLC, (f/k/a Marvin’s, LLC) is extended to August 31, 2018.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 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 – 100

THE COLLECTION OF DELINQUENT ACCOUNTS RECEIVABLE POLICY

BE IT RESOLVED by the Cullman City Council that, based upon the recommendation of City Treasurer Sherry Compton, the policy for the collection of delinquent accounts receivable is hereby approved and adopted for the City of Cullman.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 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 Garlan Gudger held the first reading of Ordinance No. 2017-23. Council Member Folsom made a motion to suspend the rules to consider Ordinance No. 2017-23. 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: 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 – 23

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 tract or parcel of land containing 0.11 acres of land, more or less and being situated in the southeast quarter of the southwest quarter of section 32, township 9 south, range 3 west and being more particularly described as follows: Commence at the southeast corner of lot 8 of the resurvey of lot 4b of the resurvey of lot 4a of the resurvey of lots 3 and 4 of Hays property subdivision as recorded in cabinet b, slide 357h as recorded in the office of the Judge of Probate, Cullman County, Alabama; thence run south 90 degrees 00 minutes 00 seconds west, along the north right-of-way line of Northcrest Drive, a distance of 113.35 feet to the point of beginning and being the point of curvature of a curve to the right, having a central angle of 75 degrees 14 minutes 51 seconds, a radius of 25.00 feet, a chord bearing of north 52 degrees 22 minutes 34 seconds west and a chord length of 30.52 feet; thence run along the arc of said curve an arc distance of 32.83 feet to a reverse curve to the left, having a central angle of 144 degrees 19 minutes 42 seconds, a radius of 50.00 feet, a chord bearing of north 86 degrees 55 minutes 00 seconds west and a chord length of 95.19 feet; thence run along the arc of said curve

an arc distance of 60.31 feet to a point of being a reverse curve to the right, having a central angle of 42 degrees 58 minutes 50 seconds, a radius of 25.00 feet, a chord bearing of south 26 degrees 43 minutes 23 seconds east and a chord length of 18.32 feet; thence run along the arc of said curve an arc distance of 18.75 feet to a point; thence north 02 degrees 36 minutes 57 seconds west, a distance of 65.65 feet to a point; thence south 72 degrees 24 minutes 56 seconds east, a distance of 54.23 feet to a point; thence south 72 degrees 24 minutes 56 seconds east, a distance of 4.87 feet to a point; thence north 90 degrees 00 minutes 00 seconds east, a distance of 44.28 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 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

/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: 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 Folsom made a motion to adopt the following resolution:

RESOLUTION NO. 2017 – 101

WHEREAS, the Alabama Community Development Block Grant Program has been established to assist local governments in meeting community development and housing needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, City of Cullman, acting by and through its City Council proposes to apply for Community Development Block Grant Funds to implement the Brunner Street Neighborhood Improvement Project-Phase II.

THEREFORE, be it resolved by the City Council of Cullman, Alabama, as follow:

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2017 Community Development Block Grant funds in the amount of **\$450,000.00** to implement the second phase of the Brunner Street Neighborhood Improvement Project; and

THAT, THE CITY OF CULLMAN will provide a local match of **\$325,266.91** in support of this project, of which **\$294,378.91** will be local cash and **\$30,888.00** will be in-kind services provided to install sidewalks in support of this project.

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

ADOPTED BY THE CITY COUNCIL, this the 28th day of August, 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 President Garlan Gudger 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 7:18 p.m. by a voice vote. Ayes: All. Nays: None.