

CULLMAN CITY COUNCIL MEETING ON NOVEMBER 13TH, 2017 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:01 o'clock p.m. on Monday, November 13th, 2017. Council President Gudger 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 October 23rd, 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 October 23rd, 2017 as written. Council Member Folsom 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 - 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- None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Keith Johnson of Johnson's Pure East located at 1601 3rd Street NE for a beer and wine off-premises alcohol license which received a favorable recommendation from the City of Cullman Alcohol Review Committee. 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 Folsom made a motion to approve the request from Waid Harbison of Cullman City Parks and Recreation for a special event permit to hold Christmas Parade and Festival on December 1st, 2017 from 6:00 p.m. until 9:00 p.m. on First Avenue and in Depot Park. 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 Sanitation Superintendent Larry Jones to purchase a 2018 Mack Front Loading Garbage Truck on the NJPA bid list from Ingram Equipment, LLC in the budgeted amount of \$257,000. Council Member Page 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 President Gudger held the first reading of Ordinance No. 2018-07. Council Member Folsom made a motion to suspend the rules to consider Ordinance No. 2018-07. 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 07

TO ANNEX CERTAIN PROPERTIES 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 property owners, James David Seymore and Sarah C. Seymore, have 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 petitioners, be annexed into the City of Cullman:

PPIN: 042263

PARCEL: 22-01-02-0-000-006.003

ADDRESS: 213 County Road 483, Hanceville, Alabama 35077

LEGAL DESCRIPTION: All that part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 11 South, Range 3 West, more particularly described as follows: Beginning at the Northwest corner of said forty; thence South 88 degrees 00 minutes East a distance of 920 feet to the true point of beginning; Thence from said true point of beginning, go South 1 degree 51 minutes West a distance of 801.75 feet to the North right-of-way of Botcher Road; thence along said right-of-way by the following bearings and distances South 80 degrees 33 minutes East 124 feet; thence South 7 degrees 48 minutes East 84 feet; thence South 63 degrees 2 minutes East 76 feet; thence South 60 degrees 25 minutes East 55.55 feet; thence North 00 degrees 30 minutes East 965.4 feet; thence North 88 degrees 00 minutes West 422.74 feet to the point of beginning. Containing 8.4 acres, more or less.

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 13th day of November, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 13th day of November, 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 Gudger held the first reading of Ordinance No. 2018-08. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2018-08. 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Folsom made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 08

TO ANNEX CERTAIN PROPERTIES 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 City of Cullman 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: 055597

PARCEL: 17-03-05-0-000-006.001

ADDRESS: Emil Drive NW, Cullman, Alabama 35055

LEGAL DESCRIPTION: A part of the Southwest Quarter of the Northwest Quarter of Section 5, Township 10, Range 3 West and more particularly described as follows: Commence at the Southeast corner of the SE ¼ of the NW ¼ of Section 5, Township 10, Range 3 West being the point of beginning, thence West along the forty line 1000 feet, thence due North 100 feet, thence due East 200 feet, thence due South 75 feet, thence due East and parallel to the forty line 800 feet to the East forty line, thence South along the forty line 25 feet to the point of beginning. Said land lying and being in Cullman County, Alabama.

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 13th day of November, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 13th day of November, 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 Gudger held the first reading of Ordinance No. 2018-09. Council Member Cook made a motion to suspend the rules to consider Ordinance No. 2018-09. 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 09

TO ANNEX CERTAIN PROPERTIES 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 City of Cullman 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: 033653

PARCEL: 17-08-28-0-001-013.001

ADDRESS: Mann Drive SW, Cullman, Alabama 35055

LEGAL DESCRIPTION: Commence at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 28, Township 10, Range 3 West, being the point of beginning, thence North along the forty line 397.32 feet, thence Southeast to a point along the forty line 431.30 feet East of the point of beginning a distance of 589.92 feet, thence West along the forty line 431.30 feet to the point of beginning. Said land lying and being in Cullman County, Alabama.

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 M1-P MANUFACTURING 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 13th day of November, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 13th day of November, 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Gudger held the first reading of Ordinance No. 2018-10. Council Member Folsom made a motion to suspend the rules to consider Ordinance No. 2018-10. 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. 2018 – 10

TO ANNEX CERTAIN PROPERTIES 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 City of Cullman 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: 033211

PARCEL: 17-08-27-0-001-037.001

ADDRESS: Railroad Bed Road SW, Cullman, Alabama 35055

LEGAL DESCRIPTION: To reach the point of beginning, start at the center of Section 27 in Township 10 South Range 3 West thence run S 00° 24' 45" East along the West line of the East half of said Section 27, a distance of 50.0 feet; thence from the point of beginning continue S 00° 24' 45" East along the West line of the East half of said Section 27, a distance of 350.0 feet; thence run N 51° 35' 24" East, a distance of 571.04 feet to a point on the South line of a 50 foot railroad right-of-way; thence run S 89° 23' 27" West along said south line of a 50 foot railroad right-of-way, a distance of 450.0 feet to the point of beginning. The said described property lying and being situated in the Northwest Quarter of the Southeast Quarter of Section 27 in Township 10 South in Range 3 West in Cullman County, Alabama and containing 1.807 acres, more or less.

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 M1-P MANUFACTURING 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 13th day of November, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 13th day of November, 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.

Council President Garlan Gudger asked for the City Council and Mayor to consider Board Appointments: None.

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

RESOLUTION NO. 2018 - 10

TO ADOPT THE APPEAL PROCEDURES FOR THE MUNICIPAL INTERCEPT OF TAX REFUNDS

WHEREAS, the Cullman City Council passed Resolution No. 2018-01 on November 9th, 2017 to participate in the Municipal Intercept Services, LLC which requires Appeal Procedures for the Municipal Intercept of Tax Refunds to be established and adopted;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Cullman in the State of Alabama that the attached Appeal Procedures for the Municipal Intercept of Tax Refunds are hereby established and adopted.

ADOPTED BY THE CITY COUNCIL this the 13th day of November, 2017.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 13th day of November, 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 a motion to adjourn. Council Member Page made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:15 p.m. by a voice vote. Ayes: All. Nays: None.