

**CULLMAN CITY COUNCIL MEETING ON NOVEMBER 27<sup>TH</sup>, 2017 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:05 o'clock p.m. on Monday, November 27<sup>th</sup>, 2017. Police Chief Kenny Culpepper 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 November 13<sup>th</sup>, 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 November 13<sup>th</sup>, 2017 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA**

Council Member Cook made a motion to add #8 under Roman Numeral X – Resolution No. 2018-14 to authorize the Mayor to purchase property located on First Avenue from LCE Properties LLC in the amount of \$350,000.00.

**REPORTS OF STANDING COMMITTEES**

1. Public Safety Committee - Chairman Andy Page presented accommodations to Dispatcher Amy McAnalley, Dispatcher Debra Baker, and Police Officer Matt Hollingsworth.
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**

Mayor Woody Jacobs announced that the Christmas Tree Lighting in Depot Park this Friday.

**COMMENTS FROM ANYONE NOT ON THE AGENDA** - None.

**PUBLIC HEARINGS** - None.

**PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS** - None.

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

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

**RESOLUTION NO. 2018 - 11  
TO ENTER INTO CONTRACT WITH TTL, INC.**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with TTL, Inc. for professional testing services at the York Property;

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 TTL, Inc. for professional testing services at the York Property in the amount not to exceed \$35,000.00.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> day of November, 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 Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2018 - 12**

WHEREAS, City of Cullman, acting by and through its City Council proposes to apply \$200,000 in Appalachian Regional Commission (ARC) funds to construct improvements to the city's sanitary sewer collection system.

NOW, THEREFORE, be it resolved by the Cullman City Council as follows:

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 2018 ARC funds in the amount of \$200,000 to construct improvements to the sanitary sewer collection system in the City of Cullman: and

That, the Cullman City Council agrees and hereby commits to provide a cash match in the amount of \$280,000 in support of this application.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 Member Cook made a motion to adopt the following resolution:

**RESOLUTION NO. 2018 - 13**

WHEREAS, City of Cullman desires to rehabilitate and construct new handicapped accessible sidewalks along 1st Avenue (Warehouse District) in downtown Cullman.

WHEREAS, the City of Cullman proposes to submit an application to the Alabama Department of Transportation for grant assistance available through the FY2018 Transportation Alternatives Program (TAP); and

WHEREAS, the estimated total project cost is \$800,000 and the program requires a cash match of at least 20% of eligible project cost;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will provide the required local cash match of \$160,000, as well all cost associated with engineering design and administrative services; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to file an application for these funds, and in the event a grant is awarded, the Cullman City Council understands that the Mayor will be required to sign certifications and assurances to comply with applicable Federal and State laws, rules and regulations.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 Gudger held the first readings of Ordinance No. 2018-11, Ordinance No. 2018-12, and Ordinance No. 2018-13. Council Member Cook made a motion to suspend the rules to consider Ordinance No. 2018-11, Ordinance No. 2018-12, and Ordinance No. 2018-13. 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 adopt the following ordinance:

**ORDINANCE NO. 2018 - 11**

**TO SET RATES FOR RETAIL WATER SERVICES PROVIDED BY**

**THE CITY OF CULLMAN, ALABAMA BEGINNING ON THE 1<sup>ST</sup> DAY OF JANUARY, 2018**

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

SECTION 1 Charges for water services provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days or once each month and shall be based upon the quantity of water used.

SECTION 2 There are hereby established the following charges for water service measured by quantity of water used, effective January 1, 2018:

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES INSIDE CITY LIMITS**

Minimum Bill \$ 33.00 for first 3,000 gallons

Over 3,000 gallons \$ 8.50 per 1,000 gallons

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES OUTSIDE CITY LIMITS**

Minimum Bill \$ 44.00 for first 3,000 gallons

Over 3,000 gallons \$ 11.00 per 1,000 gallons

SECTION 3 There are hereby established the following charges for water service measured by quantity of water used, effective January 1, 2019:

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES INSIDE CITY LIMITS**

Minimum Bill \$ 34.00 for first 3,000 gallons

Over 3,000 gallons \$ 8.75 per 1,000 gallons

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES OUTSIDE CITY LIMITS**

Minimum Bill \$ 46.00 for first 3,000 gallons

Over 3,000 gallons \$ 11.50 per 1,000 gallons

SECTION 4 There are hereby established the following charges for water service measured by quantity of water used, effective January 1, 2020:

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES INSIDE CITY LIMITS**

Minimum Bill \$ 35.00 for first 3,000 gallons

Over 3,000 gallons \$ 9.00 per 1,000 gallons

**RESIDENTIAL, COMMERCIAL & INDUSTRIAL RATES OUTSIDE CITY LIMITS**

Minimum Bill \$ 48.00 for first 3,000 gallons

Over 3,000 gallons \$ 12.00 per 1,000 gallons

SECTION 5 Minimum and Maximum Charges. The minimum charge for water service shall be the charges set out in Section, Paragraph (a) and (b). The maximum charge for water service shall be determined by the amount of water used.

SECTION 6 The provisions of this Ordinance shall not in any way affect the Wholesale Water Rate charged by the City, which rate is calculated annually as provided in the contracts between the City of Cullman and its wholesale customers.

SECTION 7 This Ordinance is adopted solely for the purpose of changing rates to be charged to retail water customers of the City of Cullman, and does not affect other provisions of Ordinance No. 1332 or provisions of other ordinances which have not been previously repealed.

SECTION 8 All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9 This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 Member Page made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018 - 12**

**TO SET RATES FOR RETAIL SEWER SERVICES PROVIDED BY**

**THE CITY OF CULLMAN, ALABAMA BEGINNING ON THE 1<sup>ST</sup> DAY OF JANUARY, 2018**

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

SECTION 1 Charges for sewer services provided by the City of Cullman shall be calculated on a billing period of approximately thirty (30) days or once each month and shall be based upon the quantity of water used.

SECTION 2 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2018:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$37.00 for the first 3,000 gallons of water used or any portion thereof; and \$12.50 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$45.00 for the first 3,000 gallons of water used or any portion thereof, and \$15.00 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 3 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2019:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$38.00 for the first 3,000 gallons of water used or any portion thereof; and \$12.75 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$46.50 for the first 3,000 gallons of water used or any portion thereof, and \$15.50 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 4 There are hereby established the following charges for sewage disposal service measured by quantity of water used, effective January 1, 2020:

(a) Residential, Commercial, Institutional and Industrial Rates Within the City Limits of Cullman. The sewer disposal service to each residence, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$39.00 for the first 3,000 gallons of water used or any portion thereof; and \$13.00 per 1,000 gallons of water used for all over 3,000 gallons.

(b) Residential, Commercial, Institutional and Industrial Rates outside the City Limits of Cullman. The sewer disposal service to each resident, business, institution or industry which is served by a water meter connected with the water system or which discharges into the sanitary sewer system water received from a source other than the City's water system shall be \$48.00 for the first 3,000 gallons of water used or any portion thereof, and \$16.00 per 1,000 gallons of water used for all over 3,000 gallons.

SECTION 5 Minimum and Maximum Charges. The minimum charge for sewer service shall be the charges set out in Section, Paragraph (a) and (b). The maximum charge for sewage disposal services shall be determined by the amount of water used.

SECTION 6 All ordinances or parts thereof which are in conflict with this Ordinance are hereby expressly repealed.

SECTION 7 The City Council hereby declares that this Ordinance is adopted solely for the purpose of changing rates to be charged for sewer service, and it is not the intention of this Council to repeal Ordinance No. 1102 nor to repeal any sections of Ordinance No. 1335 not expressly changed by this Ordinance.

SECTION 8 This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 Member Folsom made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018 - 13**

**TO SET RATES FOR THE COLLECTION AND DISPOSAL OF MUNICIPAL SOLID WASTE WITHIN THE CITY OF CULLMAN BEGINNING ON THE 1<sup>ST</sup> DAY OF JANUARY, 2018**

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

SECTION 1. Beginning with the services rendered for the 1<sup>st</sup> day of January, 2018, the following fees shall be charged by the City of Cullman, Alabama for the collection, transportation, and disposing of municipal solid waste and inert waste:

A. RESIDENTIAL. There will be a \$16.00 per month charge, for once a week solid waste pickup, for each single family residence, town house, condominium or other living quarters within the city limits of the City of Cullman. Provided, further, that in apartment

houses or other buildings or residences where more than one family occupy and maintain separate apartments, a garbage container shall be provided by each family living in such building or residence, and each family shall pay the garbage fee required by this ordinance. Garbage and trash containers must be watertight containers with two handles and hold not less than 15 gallons or more than 48 gallons, with tightfitting lids or tops, not to be fastened in such a manner that the containers may not be easily emptied. Garbage shall be placed in plastic bags and are required in all containers. No garbage can in excess of forty-eight gallons capacity or weighing over 40 pounds will be serviced. Garbage cans and dumpster used for the deposit of garbage for collection by the City Sanitation Department shall be in good condition so that collection shall not injure the person collecting the contents thereof. No drums or barrels shall be used as garbage containers. Cans or dumpsters having ragged, sharp edges, rusted bottoms or other defects or not meeting the standard size requirements must be promptly replaced or repaired upon receipt of notice from the Sanitation Department and if not so replaced or repaired upon receipt of notice from the Sanitation Department and if not so replaced or repaired with ten (10) days or receipt of such notice, such nonconforming or defective cans may be collected by the Sanitation Department and disposed of as waste. Excessive trash pickup at a residence can be charged an additional pickup fee at the discretion of the Sanitation Department.

B. COMMERCIAL. There will be a minimum charge of \$48.00 per month for solid waste pickup for each office or business in the City of Cullman. If more frequent service is required, fees may be adjusted accordingly. Excessive trash pickup at a commercial office or business can be charged an additional pickup fee at the discretion of the Sanitation Department.

C. DUMPSTER SERVICE:	<u>DUMPSTER SIZE</u>	<u>COST PER HAUL</u>
	Two Yard Dumpster	\$ 80.00
	Four Yard Dumpster	\$ 120.00
	Six Yard Dumpster	\$ 160.00
	Eight Yard Dumpster	\$ 200.00

D. ROLL-OFF SERVICE	<u>PER DELIVERY</u>	<u>COST PER HAUL</u>	<u>DAILY RENT</u>	<u>TIPPING FEES</u>
Twenty Yard Roll-Off Container	\$ 50.00	\$ 160.00	\$ 5.00	Plus tipping fees
Thirty Yard Roll-Off Container	\$ 50.00	\$ 160.00	\$ 5.00	Plus tipping fees
Forty Yard Roll-Off Container	\$ 50.00	\$ 160.00	\$ 6.00	Plus tipping fees

E. COMPACTOR SERVICE: Minimum Charge of \$200.00, but prices may vary.

SECTION 2. This ordinance is adopted solely for the purpose of changing the fees for the collection, transportation and disposal of municipal solid waste and inert waste in the City of Cullman.

SECTION 3. All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective immediately upon its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 Garlan Gudger asked for the City Council and Mayor to consider Board Appointments: Council Member Cook made a motion to reappoint Dr. Wayne Fuller to the Utilities Board of the City of Cullman. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

**RESOLUTION NO. 2018 – 14**

**AUTHORIZING MAYOR TO PURCHASE PROPERTY LOCATED ON FIRST AVENUE**

WHEREAS, the City of Cullman has been offered a parcel of property from LCE Properties, LLC located on First Avenue SE being more particularly described as follows: All of Lots Thirteen (13), Fourteen (14), and Fifteen (15) in Block Three (3) of Osborn’s Addition to Cullman, Alabama, as recorded in Map Book 1, Page 00 (Slide A49) in the Office of the Judge of Probate Cullman County, Alabama. Together with all lands adjoining said Lot 15 in Block 3 on the south side to the line between Sections 10 and 15 of Township 10 South of Range 3 West.

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor to purchase said property located on First Avenue for public purposes;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized to purchase said property from LCE Properties, LLC in the amount not to exceed \$350,000.00.

ADOPTED BY THE CITY COUNCIL this the 27<sup>th</sup> 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 27<sup>th</sup> 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 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.