

CULLMAN CITY COUNCIL MEETING ON APRIL 9th, 2018 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, April 9th, 2018. 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 City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Garlan Gudger asked the Council to consider the minutes from March 26th, 2018. 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 March 26th, 2018 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 announced that there will be a ribbon cutting for Cullman City Fire Station No. 3 on April 19th, 2018.
2. Utilities Committee - Chairman Garlan Gudger - No report.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth announced that the newly renovated Carrol Acres Park is open.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs presented the Fiscal Year 2016-17 Annual Audit for the City of Cullman, Alabama to the Cullman City Council and thanked City Treasurer Sherry Compton for working so well with our new auditors, Warren Averett CPAs and Advisors.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mrs. Carrol Berry announced her campaign for reelection as Cullman County Probate Judge and requested for Cullman's support.

Mr. Don Holt of 1424 Maple Drive NW asked the Cullman City Council to expedite the ordinance to resolve the nuisance problem in Cullman. Mr. Holt presented the Council with examples of a nuisance problem beside his house. He urged them to resolve this serious as soon as possible. Council President Gudger thanked Mr. Holt for being this problem to their attention and stated the City will do their best to resolve this nuisance issue.

Mr. Mike Shaw of ADT Restoration informed everyone that ADT Restoration wants to help everyone affected by the hail storm.

PUBLIC HEARINGS

Council President Gudger opened a public hearing on April 9th, 2018 at 7:25 p.m. for Ordinance No. 2018-26 to amend the City Code of Ordinances and adopt the following codes:

- a. International Building Code, 2015 edition.
- b. International Existing Building Code, 2015 edition.
- c. International Residential Code, 2015 edition.
- d. International Plumbing Code, 2015 edition.
- e. International Mechanical Code, 2015 edition.
- f. International Fire Code, 2015 edition.
- g. International Energy Conservation Code, 2015 edition.
- h. National Electrical Code (NFPA 70), 2014 edition.
- i. ICC/NSSA Standard for the Design and Construction of Storm Shelters, ICC500-2014 edition.
- j. ANSI/ASHRAE/IES Standard 90.1-2013 Energy Standard for Buildings except Low-Rise Residential.
- k. ADA Standards for Accessible Design, 2010 edition.
- l. NFPA 101 Life Safety Code, 2012 edition.

There were no public comments for or against the ordinance, and Council President Gudger closed the public hearing at 7:27 p.m.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

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 Art in the Park on April 14th, 2018 from 10:00 a.m. to 3:00 p.m. in the City Art 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 Cook made a motion to approve the request from Travis Key of Desperation Church for a special event permit to hold Student Ministry Party on June 4th, 2018 from 4:00 p.m. to 9:00 p.m. 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 Page made a motion to approve the request from Javon Daniel of Cullman Caring for Kids for a special event permit to hold a prayer walk on April 18th, 2018 starting noon at Cullman County Courthouse. 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 Jackie Moore of Cullman Area Chamber of Commerce for a special event permit to hold Second Fridays in the Downtown Area on June 8th, July 13th, August 10th, and September 14th from 5:00 p.m. to 10:00 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.

Council Member Folsom made a motion to approve the request from B & B Bartending for a special events alcohol license less than seven days for on-premises consumption at 1705 Lee Avenue SW (Heritage Park) which received a favorable recommendation from the City of Cullman Alcohol Review Committee. 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 Page made a motion to approve the request from Samu2017, Inc. (157 Exxon) for a beer and wine alcohol license for off-premises consumption at 6390 Alabama Highway 157 which received a favorable recommendation from the City of Cullman Alcohol Review Committee. 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 Samu2018, Inc. (Catoma Mart) for a beer and wine alcohol license for off-premises consumption at 3259 Alabama Highway 157 which received a favorable recommendation from the City of Cullman Alcohol Review Committee. 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 suspend the rules to consider Ordinance No. 2018-25. 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: 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 – 25

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 William A. and Shelia Sandlin 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 petitioner, be annexed into the City of Cullman: PPIN: 041134 and 004128. PARCEL: 17-04-17-0-000-023.001 and 17-04-17-0-000-023.006. ADDRESS: 1710 Talley Ho Street SW, Cullman, Alabama 35055. LEGAL DESCRIPTION: Lots No. 18, 19, and 20 of the West Industrial Center as recorded in the Office of the Judge of Probate of Cullman County, Alabama in Map Book 6, Page 57-58.

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 B-2 BUSINESS 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 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Page seconded the motion to approve, 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 President Gudger held the first reading of Ordinance No. 2018-26 to amend the City Code of Ordinances to adopt new building and fire codes. No further action was taken at this time.

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

RESOLUTION NO. 2018 – 38
TO EXTEND BIDS R-01745 & R-01746 FOR COLD MIX, HOT MIX, AND LAY HOT MIX

WHEREAS, the Cullman City Council on May 23rd, 2016 awarded bids R-01745 for lay hot mix and R-01746 for cold mix and hot mix to the lowest responsible bidder, Good Hope Contracting, with the option to extend the contract period up to 3 years;

WHEREAS, the Cullman City Council on March 20th, 2017 voted to extend these bids for one additional year based on the recommendation of Street Superintendent Scott Talley;

WHEREAS, the recommendation from the Street Superintendent Scott Talley is to extend the current bids with Good Hope Contracting until May 23rd, 2019;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend bids R-01745 and R-01746 with Good Hope Contracting until May 23rd, 2019;

THEREFORE, BE IT RESOLVED by the Cullman City Council that bids R-01745 for lay hot mix and R-01746 for cold mix and hot mix, previously awarded to Good Hope Contracting, are hereby extended until May 23rd, 2019.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion to approve, 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. 2018 – 39

WHEREAS, City of Cullman has been awarded a \$450,000.00 Community Development Block Grant (CDBG) to implement a CDBG Economic Development Project for the Brunner Street Neighborhood Improvement Project-Phase II.; and

WHEREAS, the City Council of Cullman recognizes that it is in the City's best interest to accept the above referenced grant funds.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Cullman City Council authorizes Woody Jacobs, Mayor to sign the CDBG Grant Agreements, certifications, assurances, and any other necessary documents associated with implementation of this grant project.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2018 – 40
TO ENTER INTO CONTRACT WITH GOODWYN, MILLS & CAWOOD

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Goodwyn, Mills & Cawood for professional engineering services related to the North Taxiway Reconstruction (Phase 2) at the Cullman Regional Airport in the amount not to exceed \$81,925;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor and/or Council President is hereby authorized to enter a contract with Goodwyn, Mills & Cawood for professional engineering services related to the North Taxiway Reconstruction (Phase 2) at the Cullman Regional Airport in the amount not to exceed \$81,925.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2018 - 41

DECLARATION OF EMERGENCY CONDITIONS IN THE CITY OF CULLMAN, ALABAMA

WHEREAS, the City of Cullman (the "Municipality") has experienced a very severe hail storm with high winds and large amounts of lightning began on March 19th, 2018;

WHEREAS, storm damage has occurred on public and private property;

WHEREAS, numerous homes and businesses have been damaged, roadways (highways and City streets) sewer plant, State highways and City streets have been damaged, disruption of utilities of all kinds has occurred and restoration efforts and activities must begin;

WHEREAS, all of the above could adversely affect the health, safety, and economy of the people of the Municipality;

WHEREAS, we anticipate that these damages, by reason of their magnitude, will be beyond the control of the services, personnel, revenues, equipment and facilities of the Municipality and will require the combined forces of a mutual aid region or regions to alleviate the adverse affects to the health, safety and economy of the Municipality.

WHEREAS, the situation does create a emergency conditions in the City of Cullman within the intent of the Alabama Emergency Management Act of 1955, as amended; and

WHEREAS, the City Council has been requested by the Director of the Cullman County Emergency Management Agency to implement its emergency powers as set out in Code of Alabama 1975, § 31-9-10.

NOW THEREFORE, IT IS HEREBY PROCLAIMED that emergency conditions exist throughout the City of Cullman warranting the exercise of emergency powers as provided by law and the activation of the City of Cullman's Emergency Operations Plan (EOP) and all appropriate annexes. In addition, the appropriate city agencies are directed to exercise their statutory authority to assist the communities and entities affected.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency conditions the powers, functions, and duties of the Director of the Cullman County Emergency Management Agency and the emergency organizations of this Municipality shall be those prescribed by state law, and the ordinances and resolutions of this Municipality approved by the City Council on December 28th, 2015.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency conditions all procedures and formalities described in Ala. Code § 31-9-10 (b) (5) are hereby waived.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency conditions and without limiting any other manner or method by which a person or entity may be deemed an "emergency management worker", all persons or entities tasked pursuant to, or at the request of, the Cullman County Emergency Management Agency ("EMA") by or through its Emergency Management Information Tracking System ("EMITS") or subject to the order or control of any agency, department, board, commission, bureau, committee, institution, corporation, authority, or office tasked by EMA by or through EMITS shall be deemed an "emergency management worker" for purposes of Ala. Code Section 31-9-16.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2018 – 42

THE FISCAL YEAR 2016-2017 ANNUAL AUDIT FOR THE CITY OF CULLMAN

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Mayor to annually appoint an independent auditor to conduct an examination of all books and accounts of the City of Cullman in accordance with the generally accepted auditing standards and to make a full report to the Cullman City Council in writing and under oath;

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Cullman City Council to spread the full report from the independent auditor upon the minutes;

WHEREAS, the Mayor has appointed Warren Averett CPAs and Advisors to conduct the annual audit for fiscal year 2016-2017;

WHEREAS, Warren Averett CPAs and Advisors has completed the annual audit for fiscal year 2016-2017 and delivered the full report to the Cullman City Council;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the fiscal year 2016-2017 annual audit is now spread upon the minutes.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth 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. 2018 – 43

TO ENTER INTO CONTRACT WITH THE CULLMAN ELECTRIC COOPERATIVE

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Cullman Electric Cooperative for utility billing services;

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 Cullman Electric Cooperative for utility billing services.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

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 – 44

TO AMEND THE DEVELOPMENT AGREEMENT WITH ACADEMY, LTD

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to amend the development agreement with Academy, LTD to extend the construction commencement date to July 1st, 2020;

NOW, THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized execute the amendment to the development agreement with Academy, LTD to extend the construction commencement date to July 1st, 2020.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

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 – 45

TO ENTER INTO CONTRACT WITH NORTH CENTRAL ALABAMA REGIONAL COUNCIL OF GOVERNMENTS

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with North Regional Council of Governments for professional planning services to assist in the review and preparation of Traditional Neighborhood Development Regulations in the amount not to exceed \$7,500;

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 North Regional Council of Governments for professional planning services to assist in the review and preparation of Traditional Neighborhood Development Regulations in the amount not to exceed \$7,500.

ADOPTED BY THE CITY COUNCIL this the 9th day of April, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 9th day of April, 2018.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None

Council President Gudger asked for the City Council and Mayor to consider Board Appointments: Council Member Folsom made a motion to reappoint Jason Knight as City Judge. Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None

Council President Gudger asked for a motion to adjourn. Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:58 p.m. by a voice vote. Ayes: All. Nays: None.