

CULLMAN CITY COUNCIL MEETING ON FEBRUARY 12th, 2018 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Pro Tem Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, February 12th, 2018. Reverend Tom Richter of Cullman First Baptist Church 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, and Council President Pro Tem Jenny Folsom. Absent: Council President Garlan Gudger. Also, present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Pro Tem Jenny Folsom asked the Council to consider the minutes from January 22nd, 2018. Council Member Cook made a motion to suspend the rules to consider the minutes. 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to approve the minutes from January 22nd, 2018 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: Absent. 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 presented years of service pins to Police Officer Bill Pagan (10 years) and Police Chief Kenny Culpepper (40 years). Chairman Andy Page presented certificates of recognition to Fire Lieutenant Gary Mikus, Fire Engineer Chris Edwards, and Firefighter Wade Miller. Chairman Page presented accommodations to Fire Captain Walter Reichwein, Fire Lieutenant Tim Martin, Fire Lieutenant Jason Lamb, Fire Lieutenant Gary Mikus, Fire Engineer Jon Tucker, Fire Engineer Chris Edwards, Fire Engineer Tyler Parker, and Firefighter Paul Gadilhe. Chairman Andy Page presented the following yearly awards: Wade Miller with 2017 Firefighter of the Year and Brandon Dawson with 2017 EMT of the Year.
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 Cullman Theater Cast for receiving the highest state drama award for their production of Scrooge.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs and Council Member Cook reported that both Lake Catoma and Duck River Reservoir are full and overflowing.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Elizabeth McDowell of 90 County Road 1217 updated the Council on the possibility of creating a Botanical Gardens on the Burrow Property. Mayor Woody Jacobs forwarded her request to City Parks Director Nathan Anderson.

PUBLIC HEARINGS

Council President Pro Tem Folsom opened the public hearing at 7:30 p.m. for Ordinance No. 2018 – 21 to vacate and surplus a 50 foot right-of-way on Teakwood Drive SE. Mr. Herman Bill Ruehl of 1816 Teakwood Drive SE stated that he was in favor of the ordinance. There were no public comments against Ordinance No. 2018 – 22. Council President Pro Tem Folsom closed the public hearing at 7:32 p.m.

Council President Pro Tem Folsom opened the public hearing at 7:32 p.m. for Ordinance No. 2018 – 22 to amend the zoning ordinance related to loft apartments in Cullman. Chief Building Official Rick Fulmer stated that the amendment changes from a percentage of the total square footage to the businesses can only be located on the first floor. There were no public comments against Ordinance No. 2018 – 22. Council President Pro Tem Folsom closed the public hearing at 7:34 p.m.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Melissa Aaron of East Elementary PTO for a special event permit to hold a 5k run and one mile fun run in the neighborhoods surrounding East Elementary School from 7:00 a.m. until 11:00 a.m. on Saturday, March 17th, 2018 to raise money for new playground equipment at the school. 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 Louise Cole of Cullman County Bosom Buddies Foundation for a special event permit to hold a Colors of Cancer 5k run/walk from 7:00 a.m. until 11:00 a.m. on Saturday, April 7th, 2018 at Sportsman Lake Park and the Cullman County Fairgrounds. Council Member Hollingsworth seconded the motion to approve the request pending the approval of the Cullman County Commission, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Louise Cole of Cullman County Bosom Buddies Foundation for a special event permit to hold a charity motorcycle ride with registration at 7:30 a.m. on Saturday, April 7th, 2018 at Cullman Regional Medical Center. 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 BreeAna Goodwin of 909 Avenue D SE for a special event permit to hold a wedding at the Festhalle and a reception on First Avenue NE in the Warehouse District starting 4:00 p.m. on Saturday, October 27th, 2018 ending noon on Sunday, October 28th, 2018. 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 Cali Tidwell of Desperation Church for a special event permit to hold the annual fireworks festival in Heritage Park on Wednesday, July 4th, 2018 subject to approval of the State Fire Marshall. 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 Coach Trent Dean of Cullman Cross Country Program for a special event permit to hold the first annual Bearcat March Mile starting at the Festhalle on Saturday, March 10th, 2018 from 7:00 a.m. until 11:00 a.m. 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 President Pro Tem Jenny Folsom held the first reading of Ordinance No. 2018-21. Council Member Cook made a motion to suspend the rules to consider the ordinance. 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 21

TO VACATE AND SURPLUS PROPERTY NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

1. The City of Cullman is the owner of a 50 foot right-of-way located adjacent to 1816 Teakwood Drive SE, Cullman, Alabama 35055.
 2. The Cullman City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes and hereby vacates the property and declares it surplus.
 3. The City Council hereby authorizes the Mayor to sell this property for its fair market value.
 4. This ordinance shall become effective upon its passage and publication as required by law.
- ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion to adopt the ordinance, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Pro Tem Jenny Folsom held the first reading of Ordinance No. 2018-22. Council Member Cook made a motion to suspend the rules to consider the ordinance. 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 22

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CULLMAN, ALABAMA
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

1. Section 62-517 of Division 2 Loft Apartments is hereby deleted and replaced with the following:
Section 62-517. Approved as secondary use in business zoning districts. In all business zoning districts: B-1, B-2, B-3, and CBD – apartments, loft apartments, efficiency apartments, and similar residential occupancies may be constructed in new and existing business occupancies as a secondary use. All such uses must be approved by the planning commission under rules established by the board. These occupancies shall also strictly comply with all building and fire protection related codes in their construction. The primary use of all commercial buildings located in the B-1, B-2, B-3, and CBD zoning districts shall be those uses listed as permitted uses and conditional uses in the zoning district in which the property is located. The ground floor of the structure must be used for

business or commercial purposes and not residential use. Spaces above or below the first floor may be either business or residential use subject to compliance with all adopted codes and ordinances.

2. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/s/ Woody Jacobs - Mayor

Council Member Cook seconded the motion to adopt the ordinance, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Pro Tem Jenny Folsom held the first reading of Ordinance No. 2018-23. Council Member Cook made a motion to suspend the rules to consider the ordinance. 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 23

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 Neil Rainwater 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: 013055.

PARCEL: 17-01-01-0-000-002.002.

ADDRESS: 1405 County Road 1466, Cullman, Alabama 35058.

LEGAL DESCRIPTION: A tract or parcel of land containing 2.02 acres of land, more or less and being situated in the Southwest Quarter of the Northeast Quarter, Section 1, Township 10 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows: Commence at a set rebar marking the Northeast corner of the above said quarter-quarter and run North 86° 43' 19" West a distance of 312.31 feet to a set rebar marking the point of beginning; thence run South 1° 45' 06" West a distance of 210.00 feet to a set rebar; thence run North 86° 43' 19" West a distance of 420.00 feet; thence run North 1° 45' 06" East a distance of 210.00 feet to a set rebar; thence run South 86° 43' 19" East a distance of 420.00 feet to the point of beginning.

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 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion to adopt the ordinance, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

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

RESOLUTION NO. 2018 – 25

TO AWARD BID FOR BUILDING IMPROVEMENTS AT FIRE STATION NO. 1

WHEREAS, bids were received on January 24th, 2018 for building improvements at Fire Station No. 1,

WHEREAS, the following bids were opened:

Murphree’s Unlimited Installation, Inc.	Holly Pond, Alabama	\$ 16,912.65
O.F. Richter & Sons, Inc.	Cullman, Alabama	\$ 28,008.00
Walker Brothers, LTD	Baileyton, Alabama	\$ 28,315.00

WHEREAS, the recommendation from Maintenance Supervisor Mark Watson is to award the bid to Murphree’s Unlimited Installation, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for building improvements at Fire Station No. 1 be awarded to Murphree’s Unlimited Installation, Inc., the lowest responsible bidder, in the budgeted amount of \$16,912.65.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/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 Pro Tem Folsom asked for the City Council and Mayor to consider Board Appointments: Council Member Cook made a motion to reappoint Peggy Harris and Jan Barnett to the City of Cullman Tree Commission. 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 – 26

WHEREAS, The Alabama Department of Transportation (“ALDOT”) has requested the City of Cullman, Alabama to execute a permit for the installation, operation, and maintenance of a traffic signal at the U.S. Highway 31 and Cullman Row East/Cullman Row West (Ming Enterprises Development) intersection pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the modification of the traffic signal as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and City Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Installation of a traffic signal at the U.S. Highway 31 and Cullman Row East/Cullman Row West (Ming Enterprises Development) intersection; and
 - b. Operation and maintenance of a new traffic signal at the U.S. Highway 31 and Cullman Row East/Cullman Row West (Ming Enterprises Development) intersection.
2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the construction of the existing traffic signal provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Cullman, Alabama.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/s/ Woody Jacobs - Mayor

Council Member Page seconded the motion pending a signed development agreement with Ming Development, 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 – 27

WHEREAS, The Alabama Department of Transportation (“ALDOT”) has requested the City of Cullman, Alabama to execute a permit for the installation, operation, and maintenance of a fire station emergency beacon on Alabama Highway 157 at the Waldrop Street NW intersection pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the modification of the fire station emergency beacon as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and City Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Installation of a new fire station emergency beacon on Alabama Highway 157 at the Waldrop Street NW intersection; and
 - b. Operation and maintenance of a new fire station emergency beacon on Alabama Highway 157 at the Waldrop Street NW intersection.
2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the construction of the existing traffic signal provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Cullman, Alabama.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/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 Page made a motion to adopt the following resolution:

RESOLUTION NO. 2018 – 28

TO AWARD BID FOR TRAFFIC SIGNAL INSTALLATION ON U.S. HIGHWAY 31

WHEREAS, bids were received on February 2nd, 2018 for traffic signal installation on U.S. Highway 31 at the Old Dodge Dealership entrance,

WHEREAS, the following bids were opened:

Inline Electric Supply Company, Inc.	Huntsville, Alabama	\$ 33,895.00
Southern Lighting and Traffic, Inc.	Vestavia Hills, Alabama	No Bid
Temple, Inc.	Decatur, Alabama	No Bid

WHEREAS, the recommendation from Traffic Superintendent Jeff Adams is to award the bid to Inline Electric Supply Company, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for traffic signal installation on U.S. Highway 31 at the Old Dodge Dealership be awarded to Inline Electric Supply Company, Inc., the lowest responsible bidder, in the budgeted amount of \$33,895.00.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion subject to a signed development agreement with Ming Development, and the resolution was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Folsom 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 7:50 p.m. by a voice vote. Ayes: All. Nays: None.