

## CULLMAN CITY COUNCIL MEETING ON JUNE 11<sup>TH</sup>, 2018 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:04 o'clock p.m. on Monday, June 11<sup>th</sup>, 2018. 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 City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Garlan Gudger asked the Council to consider the minutes from May 14<sup>th</sup>, 2018 and June 6<sup>th</sup>, 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 May 14<sup>th</sup>, 2018 and June 6<sup>th</sup>, 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 asked Police Chief Kenny Culpepper to give a report on the 2018 Rock the South music festival. Chief Culpepper reported that the music festival from a public safety aspect was a huge success because it was the largest crowd this year and the fewest number of arrests.
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 reported that the 2018 Rock the South Music Festival was a huge success with record attendance and minimal damage to Heritage Park. He also reported that our new “Alabama Senator” Council President Garlan Gudger was on American Pickers this week.

### COMMENTS FROM ANYONE NOT ON THE AGENDA

Terri McGriff Waldrop thanked the City Council for letting her college students observe the meeting.

Cody Zazooka stated that he attended the Planning Commission and Barker Brothers Construction sold the lots in their subdivision to Davidson Homes. He asked who the building inspector was that reviewed the plans for their subdivision. City Attorney Roy Williams responded that the engineer approves the drainage on the development site plan. Discussion followed.

**PUBLIC HEARINGS** – None.

### PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Folsom made a motion to approve the request from Karen Cook of Cook Ministries for a special event permit to hold a leadership prayer on the sidewalks around the courthouse for suicide awareness on September 7<sup>th</sup>, 2018 starting at 6:00 p.m. Council Member Cook 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 adopt the following resolution:

#### RESOLUTION NO. 2018 - 57

#### TO EXECUTE A CABLE TELEVISION FRANCHISE MANAGEMENT SERVICE AGREEMENT

WHEREAS, the City of Cullman de-sires to regulate and oversee the provision of cable television services;

WHEREAS, Local Government Services, LLC has available a cable television franchise management service to assist the City in such regulation;

NOW THEREFORE BE IT RESOLVED, that the Mayor of the City of Cullman is hereby authorized to execute a cable television franchise management service agreement on behalf of the City, in substantially the same form as Appendix A which is attached to and made a part of this resolution.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 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 Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2018 – 58**

**TO AWARD BID FOR SEPTIC SYSTEM AT THE CULLMAN REGIONAL AIRPORT**

WHEREAS, bids were opened on May 23<sup>rd</sup>, 2018 for the Septic System at the Cullman Regional Airport,

WHEREAS, the following bids were opened:

<b>Complete Construction, LLC</b>	<b>\$ 126,514.00</b>
Construction Specialty Associates, Inc.	144,500.00

WHEREAS, the recommendation from the Project Engineer Dale Bright is to award the bid for the Septic System at the Cullman Regional Airport to Complete Construction, LLC, the lowest responsible bidder, in the amount of \$126,514.00.

BE IT RESOLVED by the Cullman City Council that the bid for the Septic System at the Cullman Regional Airport be awarded to Complete Construction, LLC, the lowest responsible bidder, in the amount of \$126,514.00.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 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 held the second reading of Ordinance No. 2018-27. Council Member Folsom made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018 – 27**

**AN ORDINANCE CONCERNING UNSAFE STRUCTURES AND DANGEROUS BUILDINGS**

**WHEREAS**, within the City of Cullman, Alabama (“the City”), there exists and/or may exist in the future parcels of real property that due to poor design, obsolescence, or neglect, have become unsafe to the extent of becoming public nuisances, and;

**WHEREAS**, much of this property is vacant or in a state of disrepair and is causing or may cause a blight or blighting influence on the City and the neighborhoods in which the property is located, and;

**WHEREAS**, such property constitutes a threat to the health, safety, and welfare to the citizens of the City and is an impediment to economic development within the City, and;

**WHEREAS**, in compliance with Sections 11-40-30 through 11-40-36, inclusive, of the *Code of Alabama* (1975) and in compliance with Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975), the Council of Cullman, Alabama (“the Council”) desires to amend its policies and procedures for repairing, moving or demolishing buildings and structures, or parts of buildings and structures, party walls, and foundations when found to be unsafe to the extent of being a public nuisance from any cause; and

**WHEREAS**, the Council desires that the City employ, alternatively, all tools provided by law to the City for the fixing of costs, creation of liens, making of assessments, and collection of costs associated with repairing, moving or demolishing buildings and structures, or parts of buildings and structures, party walls, and foundations when found to be unsafe to the extent of being a public nuisance from any cause, including but not limited to Section 6-5-122 of the *Code of Alabama* (1975), Sections 11-40-30 through 11-40-36, inclusive, of the *Code of Alabama* (1975), Sections 11-47-117 through 11-47-118, inclusive, of the *Code of Alabama* (1975), Section 11-47-131, of the *Code of Alabama* (1975), Sections 11-53-1 through 11-53-4, inclusive, of the *Code of Alabama* (1975), and Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975).

**THEREFORE, BE IT NOW ORDAINED** by the Council of Cullman, Alabama, as follows:

**Section 1. Establishment of Unsafe Structures and Dangerous Buildings Code.**

The Code of Ordinances of Cullman, Alabama, is hereby amended to repeal Article V of Chapter 10 and to replace it with a new Article V to read as follows:

## **ARTICLE V. UNSAFE STRUCTURES AND DANGEROUS BUILDINGS.**

### **Sec. A. Duties of Appropriate Municipal Official.**

(a) The term "Appropriate Municipal Official" as used in this Article shall mean the City building official, any City building inspections officer or deputy, the fire marshal, and any other City official or City employee designated by the Mayor as the person to exercise the authority and perform the duties delegated by this Article.

(b) The Appropriate Municipal Official may:

- (1) Inspect, or cause to be inspected, semiannually all public buildings, halls, churches, theatres, hotels, tenements, commercial manufacturing or loft buildings for the purpose of determining whether any conditions exist which render any such place a "dangerous building" as defined by this Article;
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is, or may be, existing in violation of this Article;
- (3) Inspect any building, wall or structure reported (as hereinafter provided for) by the fire department or police department as probably existing in violation of the terms of this Article; and
- (4) Perform such other duties as are set forth in this Article.

(c) The Appropriate Municipal Official is hereby authorized and directed to enforce all of the provisions of this Article. Upon presentation of the proper credentials, the Appropriate Municipal Official may enter any building, structure, part of building or structure, party wall, foundation, or premises for the purpose of inspection, to prevent violation of the provisions of this Article, and/or to carry out an order given pursuant to this Article.

### **Sec. B. Dangerous buildings defined.**

Any building, structure, part of building or structure, party wall, or foundation which has any of the following defects may be deemed a "dangerous building":

- (1) Those whose interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- (3) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;
- (5) Those which have become or are so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (6) Those having light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (7) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;
- (8) Those which do not provide minimum safeguards to protect or warn occupants in the event of fire;
- (9) Those which contain unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

- (10) Those which are so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;
- (11) Those which have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;
- (12) Those, or any portion thereof, which are clearly unsafe for their use or occupancy;
- (13) Those which are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act;
- (14) Those which have any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public;
- (15) Those which because of their condition are unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants; and
- (16) Those with a condition or conditions that violate the City's technical codes adopted from time to time if such violation(s) are unsafe to the extent of becoming a public nuisance.

**Sec. C. Buildings defined.**

For purposes of this Article, the term "building" is deemed to include all structures, appurtenances, improvements, and items on the property, whether or not attached to or apart of the main structure, including, but not limited to, houses, mobile or manufactured homes, trailers, garages, sheds, carports, other accessory structures, pools, as well as any items located therein or on the subject property, including, junk, rubbish, trash, litter, grass and weeds as defined by the City's grass and weed abatement ordinance, junked motor vehicles, and/or any other matter declared a nuisance under existing law.

**Sec. D. Dangerous buildings constitute nuisances.**

All "dangerous buildings" are hereby declared to be public nuisances, and may be repaired, vacated, moved, or demolished as provided by this Article.

**Sec. E. Standards for repair, move, vacation, or demolition.**

The following standards may be followed in substance by the Appropriate Municipal Official in ordering a repair, move, demolition, and/or vacation:

- (1) If any building, structure, part of building or structure, party wall, or foundation can reasonably be repaired within a reasonable time and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this Article, it may be ordered to be repaired.
- (2) If any building, structure, part of building or structure, party wall, or foundation can reasonably be moved so that it will no longer exist in violation of the terms of this Article, it may be ordered to be moved.
- (3) In any case where any building, structure, part of building or structure, party wall, or foundation is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building, structure, part of building or structure, party wall, or foundation cannot be reasonably repaired so that it will no longer exist in violation of the terms of this Article, it may be demolished. In all cases where any building, structure, part of building or structure, party wall, or foundation is a fire hazard existing in violation of the terms of this Article, it may be demolished.
- (4) If any building, structure, part of building or structure, party wall, or foundation is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.

Where one or more of the standards above may apply, the Appropriate Municipal Official may, in his sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

**Sec. F. Notice from Appropriate Municipal Official of unsafe condition.**

(a) Whenever the Appropriate Municipal Official of the City finds that any building, structure, part of building or structure, party wall, or foundation situated in the City is unsafe to the extent that it is a public nuisance, the Appropriate Municipal Official may, as set forth in this Section, give notice to remedy the unsafe or dangerous condition of the building or structure. The notice shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, part of building or structure, party wall, or foundation is located. The notice shall set forth in detail the basis for the Appropriate Municipal Official's finding and shall direct the owner or owners to take either of the following actions:

- (1) In the case where repair is required, accomplish the specified repairs or improvements within a reasonable time set out in the notice, which time shall not be less than forty-five (45) days of the date of the notice or if the same cannot be repaired within that time to provide the Appropriate Municipal Official with a work plan to accomplish the repairs, which plan shall be submitted within forty-five (45) days of the making of the notice and shall be subject to the approval of the Council.
- (2) In the case where a move or demolition is required, move or demolish the building, structure, part of building or structure, party wall, or foundation within a reasonable time set out in the notice, which time shall not be less than forty-five (45) days of the notice.

The notice shall state that, in the event the owner does not comply within the time specified therein, the repairs, the move, or the demolition shall be accomplished by the City and the cost thereof assessed against the property. The repair, move, or demolition must be completed to the Appropriate Municipal Official's satisfaction, or the same may be completed and accomplished by the City and the cost thereof assessed against the property. The notice shall inform the recipients that a public hearing as provided for by Section G(a) shall be held on the finding of the Appropriate Municipal Official at a date, time, and location specified in the notice.

The Appropriate Municipal Official may also order that any building, structure, or part of building or structure ordered to be repaired, moved, or demolished be vacated along such terms as the Appropriate Municipal Official deems appropriate.

(b) The Appropriate Municipal Official shall give the notice required by Subsection (a) of this Section by all of the following means:

- (1) By certified or registered mail, properly addressed and postage prepaid, to all of the following persons or entities:
  - i. The person or persons, firm, association, or corporation last assessing the property for state taxes to the address on file in the Cullman County Revenue Commissioner's Office;
  - ii. The record property owner or owners (including any owner or owners of an interest in the property) as shown from a search of the records of the office of the Judge of Probate of Cullman County, Alabama, at the owner or owners' last known address and at the address of the subject property;
  - iii. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Cullman County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official;
  - iv. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Cullman County, Alabama, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official; and
  - v. Any person who is otherwise known to the Clerk or to the Appropriate Municipal Official to have an interest in the property;
- (2) By posting notice of the order, or a copy thereof, within three (3) days of the date of mailing required by Subsection (b)(1) of this Section, at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure; and

- (3) By recording notice of the order, or a copy thereof, in the office of the Judge of Probate of Cullman County, Alabama, on or before the date of mailing required by Subsection (b)(1) of this Section.

(c) In addition to the required notice provisions in Subsection (b) of this Section, the Appropriate Municipal Official may, in his sole discretion, publish a short form of the notice described in Subsection (a) of this Section in a publication of general circulation in Cullman County, Alabama.

(d) In the event that the identity of the record property owner(s) cannot be ascertained after a reasonably diligent search, the Appropriate Municipal Official, in addition to complying with the applicable notice provisions in Subsection (b) of this Section, shall issue notice to the unknown property owner(s) by publishing a short form of the notice described in Subsection (a) of this Section in the *Cullman Tribune* or other publication of general circulation in Cullman County, Alabama, once a week for four consecutive weeks.

(e) A failure by the Council to act on the findings of the Appropriate Municipal Official within one hundred twenty (120) days from the date of mailing required by Subsection (b)(1) of this Section shall constitute an abdication of the Appropriate Municipal Official's findings. However, this shall in no way prevent the City from reinitiating the proceedings authorized by this Article at any time so long as all the requirements of this Article are satisfied anew. Furthermore, this does not require that the ordered demolition, move, or repairs take place within one hundred twenty (120) days from the date of mailing required by Subsection (b)(1) of this Section.

### **Sec. G. Hearings, appeals, and extensions.**

(a) After the time specified in the notice provided for by Section F(a) but no less than fifty (50) days from the date the notice is given as provided for by Section F(b)(1), whichever is later, if the owner of any property cited hereunder fails to comply with the notice prescribed, the Council shall hold a public hearing to receive any objections to the finding by the Appropriate Municipal Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the Council shall also receive any written objections to the finding by the Appropriate Municipal Official. Any such written objection must be submitted to the Clerk prior to the start of the Council meeting at which the public hearing is held. No action shall be taken on the finding of the Appropriate Municipal Official until determination thereon is made by the Council.

(b) Upon holding the hearing, the Council may determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the Council that the building or structure is unsafe to the extent that it is a public nuisance, the Council may take either of the following actions:

- (1) In the case where repair is required, order repair of the building at the expense of the City and assess the expenses of the repair on the land on which the building stands or to which it is attached.
- (2) In the case where a move or demolition is required, order moving or demolition of the building at the expense of the City and assess the expenses of the move or demolition on the land on which the building stands or to which it is attached.

The Council may also order that any building, structure, or part of building or structure to be repaired, moved, or demolished be vacated along such terms as the Council deems appropriate.

(c) Any person aggrieved by the decision of the Council at the hearing may, within ten (10) days thereafter, appeal to the Circuit Court of Cullman County, Alabama, upon filing with the Clerk of the Circuit Court of Cullman County, Alabama, notice of the appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of the notice of appeal and approval of the bond, the Circuit Clerk of the court shall serve a copy of the notice of appeal on the Clerk and the appeal shall be docketed in the Circuit Court, and shall be a preferred case therein. The Clerk shall, upon receiving the notice, file with the Circuit Clerk a copy of the findings and determination of the Council in its proceedings. Any trials shall be held without jury upon the determination of the Council that the building or structure is unsafe to the extent that it is a public nuisance.

(d) After twenty (20) days of the decision of the Council, if a repair, move, or demolition is ordered by the Council and if an appeal has not been taken to the Circuit Court as provided for by Subsection G(c), then the repair, move, or demolition may be accomplished by the City by the use of its own forces, or it may provide by contract for the repair or demolition. In the event that an appeal is taken to the Circuit Court as provided for by Subsection G(c), once a judgment authorizing a repair, move, or demolition becomes final as provided by law, then the repair, the move, or the demolition may be accomplished by the City by the use of its own forces, or it may provide by contract for the repair, the move, or the demolition.

(e) A failure by the City to accomplish the repair, move, or demolition of a building, structure, part of building or structure, party wall, or foundation within one hundred eighty (180) days of the passage of the resolution

ordering the same shall constitute an abdication of the Council's order unless one of the following conditions is satisfied:

- (1) An aggrieved party has filed an appeal pursuant to or allegedly pursuant to this Article;
- (2) A court of competent jurisdiction has enjoined or otherwise halted the repair, move, or demolition;
- (3) All parties identified by the Appropriate Municipal Official pursuant to Section F(b)(1) have entered into a written agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished;
- (4) All parties identified by the Appropriate Municipal Official pursuant to Section F(b)(1) have noted at a meeting of the Council their agreement allowing for an extended period of time within which the repair, move, or demolition may be accomplished and the agreement is reflected in the minutes of the Council; or
- (5) Further action is taken by the Council as provided by Subsection (f) of this Section.

(f) If for any reason an ordered repair, move, or demolition cannot be accomplished within one hundred eighty (180) days of the passage of the resolution ordering the same, the Appropriate Municipal Official shall make a report of the same and the length of any desired extension to the Council. The Clerk shall distribute a copy of the report to the members of the Council. The Clerk shall set the report on the proposed extension for a public hearing at a meeting of the Council. The Clerk shall give no less than ten (10) days' notice of the meeting at which the proposed extension is to be considered by certified mail to all persons or entities listed in Section F(b)(1). Notice shall be deemed complete upon mailing. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the proposed extension or the length thereof. Following the public hearing, the Council may adopt a resolution extending the time for the repair, move, or demolition to be accomplished for such period of time as it deems necessary. The Council need not order an extension before the time to complete the repair, move, or demolition expires in order for the extension to be effective, but if the Council desires to extend the time to complete the repair, move, or demolition, then the Council must order the extension no more than sixty (60) days after the expiration of the then existing deadline to complete the repair, move, or demolition. The Council may order repeated extensions if the process set forth in this Subsection is followed for each extension.

(g) Nothing in this Article shall prevent the City from reinitiating the proceedings authorized by this Article at any time so long as all the requirements of this Article are satisfied anew.

(h) The City may sell or otherwise dispose of salvaged materials resulting from any demolition pursuant to this Article.

#### **Sec. H. Fixing of costs as final assessment.**

(a) Upon repair, move, or demolition of the building or structure, the Appropriate Municipal Official shall make a report to the Council of the cost thereof by tendering a copy of the report to the Clerk. The Clerk shall distribute a copy of the report to the members of the Council. The proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. The Clerk shall set the report of costs for a public hearing at a meeting of the Council.

(b) The Clerk shall give no less than ten (10) days' notice of the meeting at which the fixing of the costs is to be considered by certified mail to all persons or entities listed in Section F(b)(1). Notice shall be deemed complete upon mailing.

(c) Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof.

(d) Following the public hearing, the Council may adopt a resolution fixing the costs which it finds were reasonably incurred in the repair, the move, or the demolition and assessing the costs against the lot or lots, parcel or parcels of land upon which the building or structure was located ("the final assessment").

#### **Sec. I. Tax lien for the final assessment of a move or demolition.**

(a) The final assessment for a move or demolition once made and confirmed by the Council shall constitute a lien on the property for the amount of the final assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. The Clerk shall file a certified copy of the resolution in the office of the Judge of Probate of Cullman County, Alabama, and with the Cullman County Revenue Commissioner's office. In the case of a final assessment resulting from a move or demolition accomplished pursuant

to this Article, upon filing, the Revenue Commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the City.

(b) The City may assess the final assessment of a move or demolition against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where the assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the City for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the City.

#### **Sec. J. Payment of assessments.**

(a) Payment of a final assessment resulting from a move or demolition accomplished pursuant to this Article shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive, of the *Code of Alabama* (1975). The City may, in the latter notice, elect to have the Revenue Commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the Revenue Commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.

(b) Payment of a final assessment resulting from a repair accomplished pursuant to this Article shall be made in the manner and as provided in Section 11-53B-7 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-53B-8 to 11-53B-14, inclusive, of the *Code of Alabama* (1975).

#### **Sec. K. Emergency action.**

(a) The Appropriate Municipal Official is hereby authorized to initiate the immediate repair, move, or demolition of a building, structure, or portion thereof when in the opinion of the Appropriate Municipal Official such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right of way, or human life or health. In the case of emergency action pursuant to this Subsection (a), the Appropriate Municipal Official may promptly cause such building, structure, or portion thereof to be made safe, secured, or removed. For this purpose, the Appropriate Municipal Official may at once enter such structure with such assistance and at such cost as the Appropriate Municipal Official may deem necessary. The Appropriate Municipal Official may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose, the Appropriate Municipal Official may close a public or private way.

(b) Alternatively, the Council is hereby authorized to, by resolution or motion reflected upon the minutes of its proceedings, order the immediate repair, move, or demolition of a building, structure, or portion thereof when in the opinion of the Council such emergency action is required due to imminent danger of any type endangering adjoining property, the public right of way, or human life or health. In the case of emergency action pursuant to this Subsection (b), the Council may promptly order and cause such building, structure, or portion thereof to be made safe, secured, or removed. The Council may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose, the Council may close a public or private way.

(c) To the extent that the circumstances allow without furthering the risk of harm or danger, prior to taking any action, the Appropriate Municipal Official or the Council as applicable shall attempt to give actual notice of the proposed action to those persons and/or entities identified in Section F(b)(1) and seek to secure their cooperation.

(d) In the case of any action taken pursuant to this Section, the Appropriate Municipal Official shall prepare a declaration of the emergency that shall set forth in detail the reason or reasons for emergency repair, move, or demolition. The declaration shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, or portion thereof is located. The Appropriate Municipal Official shall serve, post, and file the declaration as soon as practicable as provided for the service of a notice in Section F(b). The Appropriate Municipal Official shall also provide the declaration to the Council by tendering a copy of the report to the Clerk. The Clerk shall distribute a copy of the report to the members of the Council.

(e) The cost of the emergency action may be fixed by the Council and shall be assessed pursuant to this Article in the same manner provided for non-emergency repairs, moves, or demolitions.



(f) In cases of emergency action pursuant to this Section, the decision of the Appropriate Municipal Official and/or the Council, as applicable, shall be final, and there shall be no right to appeal the decision of the Appropriate Municipal Official and/or the Council, as applicable, in the case of an emergency.

**Sec. L. Duties of the Fire Department.**

The employees of the Fire Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Fire Department.

**Sec. M. Duties of the Police Department.**

All employees of the Police Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Police Department.

**Sec. N. Duties of the City Attorney.**

The City Attorney is hereby authorized to:

- (1) Prosecute all persons performing any act or acts deemed unlawful under Section O of this Article.
- (2) Appear at all hearings before the Council authorized by this Article.
- (3) Bring suit to collect all municipal liens, assessments, expenditures or costs incurred by the City in repairing, causing to be vacated, moved, or demolished any building, structure, part of building or structure, party wall, or foundation pursuant to this Article.
- (4) Take such other legal action as is necessary to carry out the terms and provisions of this Article, including, but not limited to, those actions contemplated by Section P of this Article.

**Sec. O. Enforcement and penalties.**

(a) It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail to comply with an order or notice given pursuant to this Article.

(b) It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this Article.

(c) It shall be unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with an Appropriate Municipal Official in carrying out the purposes of this Article.

(d) It shall be unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with a repair, move, or demolition ordered pursuant to this Article by remaining upon the premises or in such proximity to the premises and at such a time and location where the work cannot be accomplished without endangering the life, health, safety, or general welfare of himself or another person.

(e) It shall be unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with, or remove a notice posted pursuant to Section F(b)(2) or Section K(d).

(f) It shall be unlawful for any person, including an occupant or lessee in possession, to fail to comply with any notice to vacate pursuant to this Article.

(g) It shall be unlawful for any person to enter, access, or be upon the premises that the Appropriate Municipal Official has ordered to be vacated and that is the subject of a notice pursuant to Section F or a declaration pursuant to Section K except for the purposes of demolishing the same, of moving the same, or of making the required repairs.

(h) It shall be unlawful for any person who has received a notice pursuant to Section F or a declaration pursuant to Section K to sell, transfer, mortgage, lease, encumber, or otherwise dispose of such building, structure, part of building or structure, party wall, or foundation that is the subject of notice to another until such person shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of the notice served pursuant to Section F or the declaration served pursuant to Section K and shall furnish to the City building official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of the notice served

pursuant to Section F or the declaration served pursuant to Section K and fully accepting the responsibility without condition for making the corrections or repairs required by such notice served pursuant to Section F or Section K.

(i) A violation of this Section shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

(j) The penalties and remedies provided by this Article shall not apply to the City or any official (elected or appointed), agent, officer, or employee of the City who is administering this Article or otherwise performing its, his, or her official duties.

**Sec. P. Civil remedies.**

The continued or recurrent performance of any act or acts deemed unlawful under Section O of this Article is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The City, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same or proceed as otherwise authorized under law to address nuisances.

**Sec. Q. No effect on immunities.**

This Article is adopted only to provide a service for the public as a whole, and is not for the benefit of any individual person or entity. By the adoption of this Article, the City and its agents, officers, and employees accept no duty for the benefit (intended or unintended) of any person, including but not limited to any owner, mortgagee, lien holder, landlord, tenant, occupant, roomer, invitee of any type, trespasser, or any of their agents, officers, or employees. Any duty alleged to arise under this Article on the part of the City or any of its agents, officers, or employees for the benefit of any person is hereby expressly rejected. The City and its agents, officers, and employees hereby expressly reserve all applicable immunities existing under any doctrine, authority, or law (whether under the common law, statute, or otherwise), including but not limited to substantive immunity, qualified immunity, and discretionary function immunity. Save for the powers and remedies that this Article gives to the City and to its agents, officers, and employees who are administering this Article or otherwise performing its, his, or her official duties, this Article does not create any private cause of action for the benefit of any person.

**Sec. R. Cumulative effect.**

This Article is cumulative in nature and is in addition to any power and authority that the City may have under any other law.

**Section 2. Effect on Existing Prosecutions and Actions.**

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this ordinance shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture or lien be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

**Section 3. Incorporation in the Code of Ordinances.**

The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of Cullman, Alabama, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 4. Severability.**

The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

**Section 5. Effective Date.**

This Ordinance shall become effective upon its adoption as provided by law.

**DONE, ORDERED, ADOPTED and APPROVED** this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs - Mayor

Council Member Page seconded the motion, and the motion was approved by a roll call vote. Ayes: All. Nays: None. 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. 2018-34. Council Member Folsom 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: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018-34**

**AN ORDINANCE FOR THE REQUIREMENTS AND INSTALLATION AND BONDING OF STREETS AND STREET LIGHTING AND NATURAL GAS SERVICE IN SUBDIVISIONS IN THE CITY OF CULLMAN, ALABAMA,**

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

**Section I. Purpose.**

The purpose of this Ordinance is to provide guidelines for street lighting, and natural gas services in new, amended, and additions to subdivisions in the City of Cullman, Alabama of four or more lots.

To promote the health and safety of the citizens and to establish guidelines and minimum requirements of illumination of the streets and sidewalks of residential and commercial subdivisions created on or after the adoption of this Ordinance.

**Section II. Definitions:**

A. Street lighting is defined as lighting along the easement provided for such utility adjacent to all streets within a subdivision with the minimum specifications set out in this Ordinance. The lighting shall be on poles approved by the utility serving said lighting and meet the minimum requirements of said utility. Lighting shall be wired in conduit underground unless required to be overhead wiring by the utility serving said lighting:

B. Owner/Developer shall mean the owner of the land to be subdivided located in the City of Cullman.

C. Electric Utility Provider shall mean the Utility Board of the City of Cullman or the Cullman Electric Cooperative, depending on the service area of said property.

D. Gas Utility Provider shall mean the Cullman-Jefferson Counties Gas District.

E. Streets shall mean streets within or outside a subdivision, required to be constructed by the Owner/Developer by the Planning Commission according to the then existing subdivision regulations and specification of the City of Cullman and Street Department

F. Utility Provider shall mean electrical, gas, water, and sewer providers.

**Section III. Legal Authority.**

A. To promote the health, safety and general welfare of the citizens of the City of Cullman.

B. Pursuant to the authority granted in Sections 11-52-1, et seq., *Code of Alabama*, 1975, as amended.

C. Authorize the Planning Commission by authority granted by Title 11, Chapter 52, Article 2 *Code of Alabama*, as amended.

**Section IV. Requirements.**

The following are the requirements for street lighting in subdivisions in the City of Cullman:

A. Required on any new subdivision of four (4) lots or more.

B. Street lighting plans and design must be submitted along with the subdivision request for Planning Commission and electric utility provider's approval.

C. Lighting shall be above ground with below ground wiring in conduit unless current lighting is on poles within the neighborhood (subdivision) or the electrical utility company requires overhead wiring. Poles and fixtures of an approved type will be furnished and installed by the developer in the wattage and locations deemed appropriate by the City and the electric utility provider.

D. Owner/developer must make request to the Planning Commission of the City of Cullman and be approved by the electric utility provider. The developer must give the electric utility provider notice before any work is done.

E. Installation cost (including poles, fixtures, wiring, conduit and any other components required by the utility provider) shall be borne by the owner/developer or property owner in (established) approved subdivisions prior to this amendment.

F. Specifications for underground service for street lighting must be approved by the electric utility provider and must comply with the National Electric Supply Code (NESC), as adopted by the City of Cullman, in addition to such other or different specifications as mandated by the electric utility provider or building department. Decorative (non-standard) fixtures will require a metered service unless otherwise approved.

G. The owner/developer will always be responsible for all maintenance and replacement of all components of the street lighting system by agreement with the City of Cullman. A copy of this document must be signed before installation of the street lighting system begins. If a homeowner's association is established and the owner/developer wishes to transfer this responsibility to that association, the association must sign a new agreement with the City. The agreement may require a deposit or bond to insure maintenance.

H. The City of Cullman will immediately begin to pay the energy and facility charges after installation and inspection approval. The City reserves the right to have lights in underdeveloped areas of the subdivision temporarily turned off (by means of bulb removal or otherwise) until such time that those areas are developed.

### **Section V. Street Lighting.**

A. The subdivision/owner/developer shall at his expense, install or have installed, street lighting meeting the minimum specifications as amended by the electric utility providers serving the area where the property is located, but in no event, less than the following specifications:

1. LED fixtures as required by the electric utility provider, Building Department or police department;
2. Maximum 4' length extender arms;
3. Minimum height of fixtures will be determined by the Building Department.
4. Maximum 35' fixture installation height;
5. Lighting of all intersections;
6. Underground electrical wiring to said street light (unless otherwise required by the electric utility provider serving the property) and
7. Maximum pole spacing (staggered array), shall be shown in the lighting plan design.

B. Subdivisions whose subdivided property is located on an unlighted dedicated right-of-way (other than a state highway) are required to light the right-of-way as if included in the subdivision.

C. Location of Utilities. The subdivision/developer/owner shall, at his expense and by his construction, design the lighting utility corridor within the proposed roadway right-of-way of each utility including lighting, based on the pre-approval of the Utility Provider servicing the property and provide sufficient easement for service and maintenance of the utility.

### **Section VI. Natural Gas Provider.**

The following are requirements for Natural Gas Services in subdivisions within the City of Cullman:

A. Required for any new subdivision of four (4) lots or more.

B. Natural Gas delivery systems within the subdivision plans and designs must be submitted along with the subdivision request for Planning Commission approval and Cullman-Jefferson Counties Gas District approval. All distribution lines must be below ground.

C. Owner/Developer must give the gas utility provider notice prior to installation of a delivery system and arrange inspection as required by the gas utility provider. No portion of the delivery system shall be covered until the gas utility provider approves the installation, materials and workmanship to their standards.

D. All cost of installation, materials, equipment and labor shall be borne by Owner/Developer or the property owner in established, approved subdivisions prior to this Amendment. Installation shall be by the gas utility server or a preapproved contractor approved by the gas utility provider, cost borne by Owner/Developer.

E. Once installed and approved by the gas utility provider, the system shall be the property of and future operation and maintenance shall be borne by Cullman-Jefferson Counties Gas District.

F. All utility charges for gas shall be the obligation of the property owner or tenant.

G. The installation of the system will be in accordance with the then existing regulations as adopted by the Cullman-Jefferson Counties Gas District.

### **Section VII. Width and Location of Easements.**

Owner/Developer shall provide sufficient easements along the streets to provide service of natural gas to all lots within the subdivision being sufficient in width along road easement for all utilities including gas, water, sewer and electrical services as determined by the Planning Commission.

**Section VIII. Streets.**

In addition to all other Ordinances setting out the requirements of Owner/Developer of subdivision for the construction of the streets within or without the subdivision as required by the Planning Commission.

The owner or developer shall complete all requirements set out in the regulation of the City of Cullman as to the minimum requirements for the streets as approved by the Planning Commission prior to final approval of the subdivision and recording unless said improvements are bonded in sufficient amount as set out in section IX, Completion of the Work, of this Ordinance.

**Section IX. Completion of the Work.**

Owner/Developer shall complete all requirements set out in this Ordinance prior to final approval of the subdivision unless a bond is provided in a sufficient amount to cover 150% of the estimated cost of the improvements not completed and said bond must be approved by the Clerk of the City of Cullman.

No subdivision lot may be signed and recorded without the completion of all requirements herein or bonded as set out above.

Any Owner or Developer found to have conveyed any lot prior to complying with this Section shall be grounds for the building permit of said conveyed lot, or any lot within the subdivision, to be revoked or refused until all improvements required of this Ordinance be completed within the entire subdivision.

**Section X. Severability Clause.**

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

**Section XI. Effective Date.**

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs – Mayor

Council Member Folsom 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 President Gudger held the second reading of Ordinance No. 2018-30. Council Member Folsom made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018 – 30**

**TO AMEND ORDINANCE NO. 2015 – 23 DESIGNATING OFFICERS OF THE CITY OF CULLMAN, ALABAMA**  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

1. That SECTION IV is deleted in its entirety and replaced with the following:

SECTION IV. The following officers of the City, all of which have some level of authority over employees of the City, exercise some discretionary policy making authority, or a portion of their duties is the ability to discharge some portion of the sovereign power of the City, shall be appointed by the majority of the City Council:

- A. Police Chief.
- B. Fire Chief.
- C. Director of Economic Development.
- D. Sanitation Superintendent.
- E. Street Superintendent.
- F. Wastewater Treatment Plant Superintendent.
- G. Water and Sewer Superintendent.
- H. Garage Superintendent.
- I. Chief Building Official.

- J. Director of Risk Management.
- K. Director of Information Technology
- L. Director of Technology Village

All officers set out in this Section shall serve for one year or until their successors are appointed. All officers set out in in this Section shall be directed by the Mayor, and shall report to the Mayor and the designated Committee Chair to keep the Council advised of the operations of their departments. In addition to the normal duties of their respective departments, these officers shall set formal procedures for personal conduct of the employees within their departments not inconsistent with the policies set by the Council and Mayor. All officers set out in this Section are exempt employees (employees at will) and may be removed prior to their term of service without cause by the Council. The Mayor may temporarily suspend or remove any officer, superintendent, chief, or department head in this Section; the suspension or removal of any of the above officials, if sustained by a majority of the Council, shall be final. The Mayor may temporarily fill the vacancy of any office in Section until a permanent replacement is appointed by the majority of the Council.

- 2. All other provisions of Ordinance No. 2015-23 not specifically amended herein shall remain in full force and effect.
- 3. This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs - Mayor

Council Member Cook seconded the motion, and the motion was approved by a roll call vote. Ayes: All. Nays: None. 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. 2018-31. Council Member Folsom 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: 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 – 31**

##### **TO PROVIDE FOR THE EXEMPTION OF THE COVERED ITEMS IN ACT 2006-574 FROM CITY SALES TAX**

WHEREAS, the Legislature of the State of Alabama through Act 2006-574 has allowed cities and counties to exempt certain items mainly for the purchase of supplies, course studies, and clothing for children at the beginning of each school year, from sales and use taxes, the items allowed to be exempt specifically outlined in Act 2006-574;

WHEREAS, Act 2017-120 also limits the exemption to items purchased during a specific period of time being 12:01 a.m. on the third full weekend in July;

WHEREAS, the City of Cullman, Alabama, receives directly or indirectly through ordinance or legislative act, certain sales and use taxes which may be exempted under the provisions of Act 2006-574;

WHEREAS, the Cullman City Council finds and determines that it concurs with the exemption enacted by the Legislature in order to encourage and assist families in the purchase of necessary and essential items to properly clothe and provide their children with quality equipment and sufficient supplies to enhance their learning, comfort, and enjoyment of the school year ahead.

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

Section 1. The City of Cullman, Alabama, hereby abates or suspends and exempts only those items listed in Act 2006-574 from sales and use taxes levied or received by the City of Cullman for sales completed (being purchased and delivered to the customer) during the period commencing on Friday, July, 20th, 2018 at 12:01 a.m. and ending on the following Sunday, July 22nd, 2018 at 12:00 midnight. The items listed in Act 2006-574 shall not be exempt from sales or use tax during any time period other than the above stated third full weekend in July.

Section 2. The Cullman City Council may amend this ordinance or adopt a separate ordinance to extend this exemption of sales and use tax for the third full weekend in July for future years.

Section 3. Nothing in this Ordinance shall be construed to grant, exempt, amend, abate, or void any sales or use tax ordinance, law or legislation in any manner other than described in Alabama Legislative Act 2006-574.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a roll call vote. Ayes: All. Nays: None. 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. 2018-32. Council Member Folsom 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: 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 – 32**

**TO ENTER INTO A JOINT AGREEMENT WITH THE CULLMAN COUNTY COMMISSION**

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

Section 1. The City of Cullman, Alabama, hereby enters into a joint agreement with the Cullman County Commission for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased by the Cullman County Commission.

Section 2. This Ordinance is adopted pursuant to Section 41-16-21.1 and Section 41-16-50 of the Code of Alabama 1975 and shall become effective from and after the date of its adoption.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a roll call vote. Ayes: All. Nays: None. 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. 2018-33 to amend the business license ordinance for the City of Cullman, Alabama. No further action was taken at this time.

Council President Gudger held the second reading of Ordinance No. 2018-29. Council Member Folsom made a motion to adopt the following ordinance:

**ORDINANCE NO. 2018 – 29**

**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 Minuteman Construction 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: 3050, 74544, and 75526. PARCEL: 17-06-24-0-001-025.000, 17-06-24-0-001-025.000, and 17-06-24-0-001-025.000. ADDRESS: East Hanceville Road SE (County Road 702), Cullman, Alabama 35055  
LEGAL DESCRIPTION: A tract or parcel of land containing 16.75 acres of land, more or less, and being a part of the northwest quarter of the southwest quarter of section 24, township 10 south, range 3 west, cullman county, Alabama and being more particularly described as follows: Begin at the southwest corner of said northwest quarter of the southwest quarter and run north 00 degrees 28 minutes 15 seconds east and run along the west line, a distance of 989.78 feet; thence south 89 degrees 08 minutes 12 seconds east, a distance of 635.60 feet to a point on the southerly right-of-way line of county road no. 702 and being in a curve to the right and having a central angle of 48 degrees 56 minutes 27 seconds and a radius of 284.00 feet and a chord bearing of south 43 degrees 39 minutes 03 seconds east and a chord length of 235.28 feet; thence run along the arc of said curve an arc distance of 242.59 feet to the point of tangency; thence south 18 degrees 43 minutes 18 seconds east, a distance of 36.37 feet; thence south 61 degrees 11 minutes 13 seconds west, departing said right-of-way line, a distance of 184.87 feet; thence south 17 degrees 29 minutes 33 seconds east, a distance of 118.51 feet; thence south 01 degrees 25 minutes 42 seconds west, a distance of 148.18 feet; thence south 88 degrees 33 minutes 48 seconds east, a distance of 17.58 feet; thence south 16 degrees 46 minutes 25 seconds east, a distance of 452.90 feet; thence north 89 degrees 41 minutes 16 seconds west, a distance of 172.12 feet to a point on the south line of said northwest quarter of the southwest quarter; thence north 89 degrees 19 minutes 04 seconds west, a distance of 663.88 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 R-2 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 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 2018.

/s/ Woody Jacobs - Mayor

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

**RESOLUTION NO. 2018 – 59**

**TO APPOINT OFFICERS OF THE CITY OF CULLMAN, ALABAMA**

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the attached job descriptions approved by the City of Cullman Personnel Board are hereby adopted; and

BE IT FURTHER RESOLVED by the City Council of the City of Cullman, Alabama that the City Council hereby appoints John Wessel as Director of Technology Village, effective June 12, 2018.

ADOPTED BY THE CITY COUNCIL this the 11<sup>th</sup> day of June, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 11<sup>th</sup> day of June, 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 President Gudger asked the Mayor and City Council for Board Appointments, but there were none at this time.

Council President 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 7:29 p.m. by a voice vote. Ayes: All. Nays: None.