

CULLMAN CITY COUNCIL MEETING ON JULY 16TH, 2018 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Pro-Tem Jenny Folsom called the Cullman City Council Meeting to order at 7:01 o'clock p.m. on Monday, July 16th, 2018. Fire Chief Brian Bradberry presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Council Member Andy Page, Council Member Johnny Cook, and Council President Pro Tem Jenny Folsom. Absent: Council Member Clint Hollingsworth and 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 June 25th, 2018. Council Member Cook made a motion to suspend the rules to consider the minutes. 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: Absent. Council Member Cook made a motion to approve the minutes from June 25th, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety Committee - Chairman Andy Page - No report.
2. Utilities Committee - Chairman Garlan Gudger - No report.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth - No report.
5. General Government Committee - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs reported that a huge crowd was in attendance for 2nd Fridays and the Downtown Festival this past weekend.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mrs. Kara Zazooka of 1515 Joy Street SE asked for a report from Chief Building Official Rick Fulmer on the issues in her subdivision. Mr. Fulmer was not in attendance and did not leave a report on the subdivision.

PUBLIC HEARINGS – None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Page made a motion to approve the request from Water Superintendent Chris Freeman to purchase a pipe fusing machine from Consolidated Pipe & Supply Company, Inc. on the NJPA bid list in the unbudgeted amount not to exceed \$81,431.49. Council Member Cook 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 Water Superintendent Chris Freeman to purchase a lateral pipe bursting machine from Hammerhead Trenchless on the Buy Board bid list in the unbudgeted amount not to exceed \$25,207.69. Council Member Page 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 Water Superintendent Chris Freeman to purchase a tandem axle enclosed trailer from Lawrimore Manufacturing, Inc. in the unbudgeted amount not to exceed \$5,260.00. Council Member Cook 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 Justin Gilley for a special event permit to hold the annual Jack Aces Car & Bike Show for "Shop with a Cop" in the parking lot across Moe's Original BBQ on August 11th, 2018 from 3:00 p.m. until 10:00 p.m. Council Member Page 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 Ben Johnson for a special event permit to hold Cool Fest at the corner of Second Avenue SE and 4th Street SE on July 26th, 2018 from 4:12 p.m. until 7:12 p.m. Council Member Page seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

Council President Pro-Tem Jenny Folsom held the first reading of Ordinance No. 2018-34 to vacate and surplus city-owned property located at 1638 Brantley Avenue NW to the City of Cullman Industrial Development Board.

Council President Pro-Tem Jenny Folsom held the first reading of Ordinance No. 2018-35. Council Member Cook made a motion to suspend the rules to consider the ordinance. Council Member Page 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent. Council Member Page made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 35

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 Wesley Harden 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: 71942. PARCEL: 17-01-12-0-001-004.001. ADDRESS: 501 County Road 1467, Cullman, Alabama 35055. LEGAL DESCRIPTION: Lot number four of the A.A. Walker Subdivision, a map or plat of which is on record in the Office of the Probate Judge of Cullman County, Alabama, in Map Book No. 4, at Page No. 3, reference to which is hereby made in aid of and as a part of this description. Except, a 10 foot strip for drainage and utility easement is reserved off of the North side of the above lot.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-1 RESIDENTIAL DISTRICT.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

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

RESOLUTION NO. 2018 - 61

AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN THE CITY OF CULLMAN, ALABAMA AND THE UNITED WAY OF CULLMAN COUNTY

WHEREAS, the Lease Agreement between the City of Cullman and the United Way of Cullman County for the Cullman Train Depot is set to expire on the 30th day of September, 2018;

WHEREAS, the United Way of Cullman County has requested the City of Cullman to renew the Lease Agreement for Cullman Train Depot for an additional year;

WHEREAS, the Cullman City Council has determined that renewing the Lease Agreement with the United Way of Cullman County would serve a public purpose and that the United Way of Cullman County provides a valuable service for the citizens of Cullman County and the City of Cullman;

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the Mayor Woody Jacobs is hereby authorized to execute a lease agreement with United Way of Cullman County for Cullman Train Depot for the period of one year which would expire on 30th day of September, 2019.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 2018.

/s/ Woody Jacobs - Mayor

Council Member Page 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 - 62

WHEREAS, the City of Cullman has received a Community Development Block Grant for the purpose of implementing Phase II of the Brunner Street Neighborhood Improvement Project; and

THEREFORE, in accordance with CDBG regulations the City of Cullman has solicited and received bids from qualified construction companies to construct the above referenced Neighborhood Improvement Project in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the City of Cullman and St. John and Associates have evaluated the bids received and have determined Tren-Tay, Incorporated is the low bidder on the construction phase of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award and enter into a contract with Tren-Tay, Incorporated in the amount of \$861,539.45 to construct all infrastructure improvements associated with the Brunner Street CDBG Phase II Neighborhood Improvement Project.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 2018.

/s/ Woody Jacobs - Mayor

Council Member Cook 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 - 63

WHEREAS, the City of Cullman, acting by and through its City Council proposes to apply for a Better Utilizing Investments to Leverage Development (BUILD) grant funds to perform eligible road, rail, transit and port projects that will benefit the residents in Cullman; and

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

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the United States Department of Transportation requesting Fiscal Year 2018 Build Grant Funds in the amount of \$14,000,000 to widen State Highway 157 from US Highway 31 to State Highway 69 Project; and

THAT, THE CITY OF CULLMAN will provide a local match of \$1,000,000 of the total project cost in support of this project and the Alabama Department of Transportation has committed \$13,261,880.16 in support of this project.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 2018.

/s/ Woody Jacobs - Mayor

Council Member Page 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 - 64
CITY OF CULLMAN TAX ABATEMENT

This Resolution is made this 16th day of July, 2018 (the Effective Date) by the City of Cullman, Alabama (the Granting Authority), to grant a tax abatement for J. E. Lortie Co., LTV (JELCO) (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local non-educational ad valorem taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of \$88,030; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

all state and local non-educational ad valorem taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the City of Cullman, Alabama of Alabama at a meeting held on the 16th day of

July, 2018.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 2018.

/s/ Woody Jacobs - Mayor

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

Council President Pro Tem Jenn Folsom asked the Mayor and City Council for Board Appointments: Council Member Cook made a motion to appoint Barry Slatton and Michael Sullins to the Tree Commission of the City of Cullman. Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro-Tem Jenny Folsom held the first reading of Ordinance No. 2018-36. Council Member Cook made a motion to suspend the rules to consider the ordinance. Council Member Page 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 36

TO AMEND ORDINANCE NO. 2008 – 05 FOR THE REGULATION AND CONTROL OF WATER SUPPLY OF THE CITY OF CULLMAN, ALABAMA

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

1. That SECTION 4 is deleted in its entirety and replaced with the following: SECTION 4. It shall be unlawful for any person other than a municipal or lake patrol officer or State of Alabama patrol officer or state agency as authorized by the Mayor or his designee, engaged in the performance of their lawful duties, to operate any type of watercraft whatsoever for any purpose, with more than twenty-five horsepower motor on the water supply lake(s).

2. All other provisions of Ordinance No. 2008-05 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 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 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: Absent. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Absent.

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

RESOLUTION NO. 2018 – 65

BE IT RESOLVED, by the City Council of the City of Cullman, in the State of Alabama, that the City Attorney Roy Williams is hereby authorized to request an Attorney's General's opinion, on behalf of the City of Cullman, regarding weed abatement.

ADOPTED BY THE CITY COUNCIL this the 16th day of July, 2018.

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

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 16th day of July, 2018.

/s/ Woody Jacobs - Mayor

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

Council President Pro Tem Jenn 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 7:31 p.m. by a voice vote. Ayes: All. Nays: None.