

## **CULLMAN CITY COUNCIL MEETING ON JULY 30<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, July 30<sup>th</sup>, 2018. Parks & Recreation Director Nathan Anderson 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 July 16<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 July 16<sup>th</sup>, 2018 as written. Council Member Folsom 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 presented Cullman County EMA Director Phyllis Little with an accommodation for receiving the 2017-18 Spirit of Emergency Management Award from the State of Alabama Emergency Management Agency. Assistant Police Chief Craig Montgomery, Fire Chief Brian Bradberry, and Mayor Woody Jacobs thanked Phyllis Little for her assistance during FEMA disasters, Rock the South Music Festival, and other large community events.
2. Utilities Committee - Chairman Garlan Gudger thanked WWTP Superintendent Jeff Adams for his research and work to reduce the bug problem near the Cullman Wastewater Treatment Plant.
3. Public Works Committee - Chairman Johnny Cook - No report.
4. Tourism Committee - Chairman Clint Hollingsworth asked Parks & Recreation Director Nathan Anderson for a tourism update which highlighted the National Archery Tournament this weekend.
5. General Government Committee - Chairwoman Jenny Folsom gave the 3<sup>rd</sup> Quarter Financial Report which included large increases in city revenues and the 2<sup>nd</sup> lowest employment rate in the State of Alabama.

### **REPORT FROM THE MAYOR**

Mayor Woody Jacobs presented Museum Curator Elaine Fuller with a Retirement Recognition. Mayor Jacobs thanked Elaine Fuller for her many years of service at the Cullman County Museum including her work with Oktoberfest, Strawberry Festival, and other various tourism events. He stated that she was one of the people that helped to make Cullman a special place to live.

### **COMMENTS FROM ANYONE NOT ON THE AGENDA**

Mrs. Kara Zazooka of 1515 Joy Street SE stated that she was upset about letters being sent to her neighborhood. She said that her neighbors are now mad at her because they may have to move their unpermitted storage building located in the sewer and drainage easements. City Clerk Wesley Moore stated that he inspected the neighborhood's issues twice last week. He stated that the City of Cullman has developed a plan to install an inlet to help Mrs. Kara Zazooka's drainage issues. He told Mrs. Zazooka that the nuisance process has started on the overgrown lots. He updated the Mayor and Council that the potholes had been filled as requested by the neighborhood. He mentioned that the drainage issues between the sides of the houses are located on private property, but the City of Cullman will install an inlet at the road for the main surface drain behind the houses in the neighborhood. He stated that the Chief Building Official Rick Fulmer would need to address the storage building issues related to zoning. Mr. Fulmer stated that his office sent letters to property owners who had unpermitted structures located in the sewer and drainage easements which violates the City of Cullman zoning ordinance due to required setbacks from the property lines and no permanent structures on City easements.

Ms. Glenda Wade, who lives with Tim Kimbrough at 1554 Heritage Circle SE, asked who could address the black mold located on the property around their house. City Attorney Roy Williams stated that if the said problem is located on private property that the City of Cullman is not allowed to attempt to address the issue.

**PUBLIC HEARINGS** – None.

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

Council Member Cook made a motion to approve the request from Lynsey Todd of Monograms Plus for a special event permit to hold a street sale on First Avenue NE on September 7<sup>th</sup>-8<sup>th</sup>, 2018. Council Member Folsom seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Lynsey Todd of Monograms Plus for a special event permit to hold the annual Christmas Open House in the Warehouse District on November 9<sup>th</sup>-11<sup>th</sup>, 2018. 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 Michael Sapp of Cullman Downtown Merchants Association for a special event permit to hold the annual Celebrate Cullman Festival on August 10<sup>th</sup>, 2018 from 4:00 p.m. until 9:00 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None. Council President Gudger abstained from voting.

Council Member Folsom made a motion to approve the request from Sue Turner of Cullman Life Chain for a special event permit to the 15<sup>th</sup> Annual Life Chain on the sidewalks around the Cullman County Courthouse on October 20<sup>th</sup>, 2018 from 12:30 p.m. until 2:00 p.m. Council Member Hollingsworth seconded the motion to approve the request, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

Council President Garlan Gudger held the second reading of Ordinance No. 2018-34. Council Member Cook made a motion to adopt the following ordinance:

### **ORDINANCE NO. 2018 – 34**

#### **TO VACATE AND SURPLUS PROPERTY NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSES**

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

**SECTION 1.** The City Council hereby established and declared that the following described real property of the City of Cullman, Alabama, is no longer needed for public or municipal purposes, to-wit: A part of Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of Max Schmitt Estate lying in the S.E. 1/4 S.E. 1/4 and the S.W. 1/4 S.E. 1/4 of Section 4, Township 10 South, Range 3 West and more particularly described as; beginning at the point of the intersection of the North line of the S.E. 1/4 S.E. 1/4 of said Section 4 and the West right of way of the L & N Railroad; thence S 14 degrees 23'01"W along said right of way 11 feet to the true point of beginning of the property herein described; thence from said true point of beginning continue S 14 degrees 32'15"W 174.64 feet; thence N 85 degrees 37'15"W 56.4 feet; thence S 77 degrees 00'W 200 feet to a point on the East right of way of Old Highway No. 31; thence N 11 degrees 15'W along said right of way 199 feet; thence N 69 degrees 36'29"E 300.11 feet; thence N84 degrees 45'33"E 485.56 feet to the true point of beginning and containing 5.46 acres more or less. LESS AND EXCEPT: Beginning at the Northwest corner of the above described property; thence S 11 degrees 15'E along the East right of way lone of Old Highway No. 31 34 feet to the true point of beginning of the property herein described; thence from said true point of beginning continue S 11 degrees 15' E along said East right of way 165 feet; thence N 77 degrees 00' E 197.05 feet; thence N 16 degrees 30'40"W 165.26 feet; thence S 44 degrees 00'W 181.28 feet to the true beginning and containing 0.72 acres more or less. Leaving 4.74 acres more or less in Lot No. 1. PROPERTY IS BEING PURCHASED IN "AS IS" CONDITION.

**SECTION 2.** The City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes at this time.

**SECTION 3.** The City Council further finds that the Industrial Development Board of the City of Cullman has requested that the City of Cullman grant them the interest in the property.

**SECTION 4.** The City Council finds that the Industrial Development Board of the City of Cullman may best utilize the property and that it is in the best interest of the City of Cullman to convey the interest to the Industrial Development Board of the City of Cullman for marketing and recruitment of revenue and job producing businesses.

**SECTION 5.** That upon the Industrial Development Board of the City of Cullman conveying the real property to a third party, the Industrial Development Board of the City of Cullman will pay the proceeds of the sale to the City of Cullman.

**SECTION 6.** The City Council hereby authorizes the Mayor to execute and convey the property described above in this Ordinance on behalf of the City of Cullman to the Industrial Development Board of the City of Cullman by statutory warranty deed.

**SECTION 7.** This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 30<sup>th</sup> 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 30<sup>th</sup> day of July, 2018.

/s/ Woody Jacobs - Mayor

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

### **RESOLUTION NO. 2018 – 66**

#### **TO AWARD BID FOR ROOF REPLACEMENT AT CULLMAN FIRE STATION NO. 2**

WHEREAS, bids were opened on July 18<sup>th</sup>, 2018 for roof replacement at Cullman Fire Station No. 2,

WHEREAS, the following bids were opened:

**Willoughby Roofing & Sheet Metal, Inc.                      \$ 120,900.00**

BE IT RESOLVED by the Cullman City Council that the bid for roof replacement at Cullman Fire Station No. 2 be awarded to Willoughby Roofing & Sheet Metal, Inc., the lowest responsible bidder, in the amount of \$120,900.00.

ADOPTED BY THE CITY COUNCIL, this the 30<sup>th</sup> 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 30<sup>th</sup> day of July, 2018.

/s/ Woody Jacobs - Mayor

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

Council President Gudger asked the Mayor and City Council for Board Appointments, but there were none.

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

**RESOLUTION NO. 2018 - 67**

**TO ADOPT THE CITY OF CULLMAN POSITION CONTROL DETAIL**

BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended and is incorporated into the Fiscal Year 2018 City Budget as reflected in the attached position control detail document.

ADOPTED BY THE CITY COUNCIL, this the 30<sup>th</sup> 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 30<sup>th</sup> day of July, 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 Folsom made a motion to adopt the following resolution:

**RESOLUTION NO. 2018-68**

WHEREAS, the City of Cullman with the assistance of ALDOT is replacing the Eva Road Bridge being Project Description CR-1435 (Eva Road) over Bridge Creek, Project # ACBR61112-ATRP (010); and

WHEREAS, City of Cullman wishes to dedicate certain properties owned by the City of Cullman to the project as right-of-way for the improvement and construction of the Eva Road Bridge being Project Description CR-1435 (Eva Road) over Bridge Creek, Project # ACBR61112-ATRP (010);

NOW THEREFORE, BE IT RESOLVED YEO that the City of Cullman hereby authorizes and directs the Mayor, Woody Jacobs, to convey to the City of Cullman all parcels necessary for the right-of-way for the replacement and construction of the Eva Road Bridge being Project Description CR-1435 (Eva Road) over Bridge Creek, Project # ACBR61112-ATRP (010), including Tract 2, and to execute all documents necessary to effectuate the completion of this project in accordance with ALDOT rules and regulations.

IT IS FURTHER RESOLVED that the City of Cullman hereby dedicates said Tract 2 as right-of-way for the Eva Road Bridge being Project Description CR-1435 (Eva Road) over Bridge Creek, Project # ACBR61112-ATRP (010).

ADOPTED BY THE CITY COUNCIL, this the 30<sup>th</sup> 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 30<sup>th</sup> day of July, 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 for a motion to adjourn. Council Member Page made a motion to adjourn. Council Member Cook seconded the motion, and the meeting was adjourned at 7:46 p.m. by a voice vote. Ayes: All. Nays: None.