

CULLMAN CITY COUNCIL MEETING ON OCTOBER 1st, 2018 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:01 o'clock p.m. on Monday, October 1st, 2018. Police Chief Kenny Culpepper presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Council Member Andy Page, Pro Tem Johnny Cook, Council Member Clint Hollingsworth, Council President Jenny Folsom, and Council Member Garlan Gudger. Absent: Mayor Woody Jacobs. Also, present were City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Folsom asked the Council to consider the minutes from September 24th, 2018. Council Member Cook made a motion to suspend the rules to consider the minutes. Council Member Gudger 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 President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Pro-Tem Cook made a motion to approve the minutes from September 24th, 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 President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA

Council Member Gudger made a motion to add Resolution No. 2019-10 to appoint a City Prosecutor to serve at the will of the council. Council President Pro Tem Cook seconded the motion to add Resolution No. 2019-10 to the agenda. The motion was approved by a voice vote. Ayes: All. Nays: 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 introduced this year's Oktoberfest Burgermeister, Ben Harrison, who shared information about the Oktoberfest activities occurring this week.
5. General Government Committee - Chairwoman Jenny Folsom gave a summary report of the fiscal year 2019 budget presented for approval. She highlighted employee benefits, new positions, facility improvements, and equipment purchases.

REPORT FROM THE MAYOR - No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Lee Black, owner of Vapors, Inc. located 505 Main Ave SW, spoke in response to Dr. Scott Warner's request, at the September 24, 2018 council meeting, that vaping needed to be added to the clean air ordinance. Mr. Black does not oppose Dr. Warner's request, but he asked that his business and the other vape stores be excluded from the ordinance because their business requires customers to vape in their stores due to testing the equipment and trying new flavors.

Joshua Register, board member for Breathe Easier Alliance of Alabama which is a vaping advocacy group, stated their purpose is to educate and facilitate people in the knowledge of vaping. Mr. Register stated that safety is their paramount concern. His request is also to exclude vaping stores from the clean air ordinance. He stated that vape stores sales are usually 75% vape products and that customers need to be able to try new flavors and learn how to operate the equipment safely.

PUBLIC HEARINGS – None.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Page made a motion to approve the special event permit request from Sarah Walker of American Heart Association to hold a 5k Run and Fun Run starting at 8:00 am in Depot Park on November 17, 2018. 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 Folsom held the second reading of Ordinance No. 2018-45 naming Turner Street NE. Council Member Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2018 – 45

TO NAME TURNER STREET IN THE CITY OF CULLMAN

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

1. An unnamed street located between Apel Carwash and Eva Bank/Borden Family Pharmacy is hereby named Turner Street in honor of Mr. Wells Turner, a local pharmacist, developer, and civic leader.
2. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2019-01 to amend Ordinance No. 2016-26 approving the new building and fire codes to remove the International Energy Conservation Code edition 2015. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. Council Member Clint Hollingsworth seconded this motion, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Gudger made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 01

TO AMEND ORDINANCE NO. 2018 - 26

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

Section 1. Section 10-27 of the Code of Ordinances City of Cullman is hereby amended by removing the following:
7) International Energy Conservation Code, 2015 edition.

Section 2. All other sections of said Ordinance shall remain in full force and effect.

Section 3. That this Ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

Council President Pro Tem Cook seconded this motion, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2019-02 to amend Ordinance No. 2018-30 designating the officers of the City of Cullman. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. Council Member Hollingsworth seconded this motion, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Gudger made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 02

TO AMEND ORDINANCE NO. 2018 – 30 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
- M. City Engineer

All officers set out in this Section shall serve for one year or until their successors are appointed. All officers set out 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 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

Council President Pro Tem Cook seconded this motion, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council Member Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

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

RESOLUTION NO. 2019 - 01
TO ADOPT THE ANNUAL BUDGET FOR THE CITY OF CULLMAN
BEGINNING OCTOBER 1ST, 2018 AND ENDING SEPTEMBER 30TH, 2019

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

- 1. That the General Fund Budget in the amount of \$40,134,660 or so much as may be necessary to defray the expenses and liabilities of the City of Cullman, is hereby appropriated for said purposes as therein specified.
- 2. That the budget in the amount of \$7,280,000 for the Property and Sales Tax Fund, a major fund, is hereby appropriated for the purposes as therein specified.
- 3. That the Miscellaneous and Special Fund Budgets in the following amounts: Four Cent Gas Tax Fund - \$94,000; Seven Cent Gas Tax Fund - \$160,000; Industrial Purpose Fund - \$193,500; Alabama Trust Fund - \$409,000; Corrections and Court Fund - \$107,000; Court Judicial Fund - \$78,000; Industrial Park Fund - \$167,000; Industrial Access Road Fund - \$10,000; Parks and Recreation Construction Fund - \$16,000; Downtown Revitalization Fund - \$886,000; Brunner Street Fund - \$978,548; and Debt Service Funds - \$1,581,362 or so much thereof as may be necessary to defray the expenses and liabilities of the City of Cullman, are hereby appropriated for the purposes specified therein.
- 4. That the budget for the Sewer Fund in the amount of \$7,922,400; the budget for the Water Fund in the amount of \$18,480,184; the budget for the Utilities Board Water Division in the amount of \$12,439,512; and for the Airport Fund in the amount of \$2,432,600 or so much thereof as may be necessary to defray expenses and liabilities, is hereby appropriated for such purposes as therein specified, together with such expenditures for principal payments and for equipment and capital improvements as authorized by the City Council.
- 5. That a budget for expenses for the Parks and Recreation Fund in the amount of \$8,968,650 or so much thereof as may be necessary to defray expenses and liabilities, is hereby established for such purposes, together with such expenditures for principal payments and for equipment as may be required.
- 6. That such amounts as are required to be transferred between funds for various purposes are hereby appropriated.
- 7. That adjusted classifications, changes in pay and employee benefits, and changes in the positions and structure of departments as implemented in these budgets are hereby adopted.

8. This Resolution, if approved by the City Council, shall become effective on the 1st day of October, 2018.

BE IT FURTHER RESOLVED that the Mayor, the City Treasurer, and the City Clerk are hereby authorized (1) to expend such funds as are herein allocated and as directed by the Cullman City Council and (2) to make such line item adjustments as are necessary to accurately reflect the expenditures of each department and any other changes as directed by the Cullman City Council.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2019 – 02

AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly, and is incorporated into the Fiscal Year 2018-19 City Budget.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

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

Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2019 - 03

TO ADOPT THE PAY MATRIX AND JOB CLASSIFICATIONS FOR THE CITY OF CULLMAN, ALABAMA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the new employee pay matrix and job classifications will become effective for the pay period beginning on October 1st, 2018.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2019 - 04

IN SUPPORT OF DYSLEXIA AWARENESS MONTH

WHEREAS, October is Dyslexia Awareness Month;

WHEREAS, Dyslexia is highly prevalent, affecting 1 out of 5 individuals in some form, and crossing racial, ethnic, and socioeconomic lines;

WHEREAS, Dyslexia is a language based learning disability and is defined as a learning challenge that is neurological in origin and characterized by difficulties with accurate and/or fluent word recognition, poor spelling, and decoding abilities;

WHEREAS, diagnosis of dyslexia is critical and must lead to evidence based and specialized instruction that is multisensory in nature.

NOW THEREFORE, BE IT RESOLVED, that due to the significant educational implications that may result for students with dyslexia, the City of Cullman supports the Cullman City Board of Education in acknowledging and addressing dyslexia and in providing services needed to ensure the success of affected students;

BE IT FURTHER RESOLVED that the City of Cullman supports the Cullman City Board of Education in implementing the Alabama State Board of Education's amendment to the Alabama Administrative Code 290-3-1-.01(20) requiring ongoing dyslexia specific professional development for teachers and other educational personnel and the provision of appropriate educational services for students with dyslexia.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2019 – 05
TO RENEW THE CONTRACT WITH AIR EVAC

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to renew the contract with Air Evac for employee family coverage;

NOW THEREFORE, BE IT RESOLVED, by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renew the Air Evac contract for employee family coverage.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 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 Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 06
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 description 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 Crystal Lucas as the City Engineer, effective October 1st, 2018.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 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 Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 07
TO AMEND THE ADVANCED EMT AND PARAMEDIC INCENTIVE POLICY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the new advanced EMT and Paramedic Incentive Policy will become effective for the pay period beginning on October 1st, 2018.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

Council Member Gudger 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. 2019 – 08
TO ADOPT A SHIFT DIFFERENTIAL POLICY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that the Shift Differential Policy will become effective for the pay period beginning on October 1st, 2018.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 2018.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2019 – 09
TO PURCHASE IDENTIFYING CLOTHING FOR NON-UNIFORM PERSONNEL IN DISPATCH

WHEREAS, the City of Cullman Police Department wishes to purchase identifying clothing for non-uniform personnel in their Dispatch division; and

WHEREAS, the City Council of the City of Cullman, Alabama, finds that it serves a public purpose for the Police Department to purchase identifying clothing for non-uniform personnel in their Dispatch division; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the Police Department is authorized to purchase identifying clothing for non-uniform personnel in their Dispatch division, providing that the cost of such clothing is paid from Special Police Funds.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 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 Folsom asked the Mayor and Council for Board Appointments:

Council President Pro Tem Cook made a motion to reappoint Steve Murphree to the Utilities Board of the City of Cullman. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to reappoint Shawn Crider to the Industrial Development Board of the City of Cullman. Council Member Gudger seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to reappoint Jeff Hill to the Industrial Development Board of the City of Cullman. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Pro Tem Cook made a motion to reappoint Mark Bussman to the Industrial Development Board of the City of Cullman. Council Member Gudger seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Gudger made a motion to reappoint Tommy Waldrop to the Downtown Redevelopment Authority. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2019 – 10
TO APPOINT THE PROSECUTOR FOR THE CITY OF CULLMAN

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, Alabama that Matt Carter is the Prosecutor for the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 1st day of October, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 1st day of October, 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 Cook and Council Member Hollingsworth both abstained from voting on this resolution.

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made a motion to adjourn at 7:27 p.m. Council Member Gudger seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.