

CULLMAN CITY COUNCIL MEETING ON NOVEMBER 5TH, 2018 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:02 o'clock p.m. on Monday, November 5th, 2018. Police Chief Kenny Culpepper presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from November 3rd, 2018. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from November 3rd, 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 President Folsom: Aye. Council Member Hollingsworth: Aye.

NOMINATIONS FOR COUNCIL PLACE NO. 2

Due to the resignation of Council Member Garlan Gudger, Jr. on November 2, 2018, Council President Pro Tem Cook made a motion to nominate David Moss, Jr. to fill the unexpired of the term for Council Place No. 2. Council Member Page seconded the motion, and the nomination was approved by a voice vote. Ayes: All. Nays: None. There were no other nominations from the Council. Therefore, Council President Pro Tem Cook made a motion to close the nominations. Council Member Page seconded the motion, and the nomination was approved by a voice vote. Ayes: All. Nays: None. Council President Pro Tem Cook made a motion to elect David Moss, Jr. to fill the unexpired term of Garlan Gudger, Jr. as Council Place No 2. Council Member Page seconded the motion to elect David Moss, Jr. to fill the unexpired term of Garlan Gudger, Jr. as Council Place No 2. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Hollingsworth: Aye. Council President Folsom announced that David Moss was elected to fill the unexpired term of Garlan Gudger, Jr. as Council Place No 2 by a unanimous 4 to 0 roll call vote.

OATH OF OFFICE ADMINISTERED

Judge Rusty Turner administered the Oath of Office to David Moss, Jr. After Council Member Moss was sworn into office by Judge Turner, he took his seat among the City Council.

REPORT FROM THE MAYOR

Mayor Woody Jacobs announced that Garlan Gudger resigned during the last Council Meeting because Mr. Gudger was elected to the Alabama State Senate District 4 by the citizens of our district. Mayor Jacobs presented Senator Garlan Gudger, Jr. with a Resolution of Distinguished Service, in honor of his 14 years of service on the Cullman City Council, serving ten years as City Council President.

Council President Folsom also presented Garlan Gudger, Jr. with a plaque representing his 14 years of service which included the gavel he used for his ten years as President of the Cullman City Council.

ADDITIONS/DELETIONS TO AGENDA - None.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER

Council Member Page made a motion to approve the request from Jackie Cook Porter for a special event permit to hold a Christmas Open House at 201 First Ave SW (Finders Keepers) on Saturday, November 10, 2018 from 3:00 p.m. until 9:00 p.m. Council Member Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

Council President Jenny Folsom held the second reading of Ordinance 2019-03 to approve the 2019 Severe Weather Preparedness Tax Holiday. Council President Pro Tem Cook made a motion to adopt the following Ordinance:

ORDINANCE NO. 2019 - 03

TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE STATE OF ALABAMA SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY

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

Section 1. In conformity with the provisions Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, the City of Cullman, Alabama, exempts "covered items" from

municipal sales and use tax during the same period, beginning at 12:01 a.m. on Friday, February 22nd, 2019 and ending at twelve midnight on Sunday, February 24th, 2019.

Section 2. This ordinance shall be subject to all term, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Cullman, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective upon its adoption by the City Council and approval by the Mayor.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 2018.

/s/ Woody Jacobs – Mayor

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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

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

RESOLUTION NO. 2019 – 14

TO ENTER INTO A MUTUAL ASSISTANCE AGREEMENT WITH CULLMAN COUNTY SHERIFF

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into a mutual assistance agreement with Cullman County Sheriff to provide and receive mutual aid;

NOW, THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Cullman City Police Chief is hereby authorized to enter into a mutual assistance agreement with Cullman County Sheriff to provide and receive mutual aid.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 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 – 15

APPOINTING THE FOLLOWING OFFICERS AND COMMITTEE MEMBERS OF THE COUNCIL

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

SECTION 1. The following officials shall serve for a period of two years and shall continue to serve until their successors are elected and qualified: President of the City Council: Jenny Folsom and President Pro-Tem: Johnny Cook.

SECTION 2. The following committee members shall serve coextensively with the appointment of this Council or until their successors are elected and qualified:

General Government: Finance, Administration, Risk Management, Maintenance, Economic Development, Human Resources, and Building

Chairman: Jenny Folsom Vice Chairman: David Moss

Members: Johnny Cook, Clint Hollingsworth, and Andy Page

Public Works: Garage, Street, Traffic, Sanitation, and Arborist

Chairman: Johnny Cook Vice Chairman: Clint Hollingsworth

Members: Jenny Folsom, David Moss, and Andy Page

Public Safety: Police, Fire, Dispatch, and EMA

Chairman: Andy Page Vice Chairman: Johnny Cook
Members: Jenny Folsom, David Moss, and Clint Hollingsworth

Tourism: Park and Recreation, Airport, Museum, and Chamber of Commerce

Chairman: Clint Hollingsworth Vice Chairman: Andy Page
Members: Johnny Cook, Jenny Folsom, and David Moss

Utilities: Water, Sewer, Wastewater Treatment Plant, and Utilities Board

Chairman: David Moss Vice Chairman: Jenny Folsom
Members: Johnny Cook, Clint Hollingsworth, and Andy Page

SECTION 3. This Resolution shall be effective immediately upon its passage and approval.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 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. 2019 – 16
TO APPOINT ERICA YORK AS CITY ENGINEER FOR THE CITY OF CULLMAN

BE IT RESOLVED by the City Council of the City of Cullman, Alabama that the City Council hereby appoints Erica York as the City Engineer, effective November 14th, 2018.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 2018.

/s/ Woody Jacobs – Mayor

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

Council President Folsom held the first reading of Ordinance No. 2019-05 to set salaries for mayor and members of the City Council. Council Member Page made a motion to suspend the rules to consider the ordinance. 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 05
TO SET SALARIES FOR MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF CULLMAN,
ALABAMA FOR THE TERM BEGINNING NOVEMBER 2, 2020

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

SECTION 1. That, effective for the term of office beginning on the First Monday in November, 2020, the Mayor of the City of Cullman, Alabama, shall receive for the performance of his duties as Mayor an annual salary of Seventy-eight Thousand Dollars (\$78,000.00), payable in equal monthly installments out of the treasury of the City of Cullman.

SECTION 2. That, effective for the term of office beginning on the First Monday in November, 2020, each member of the City Council of Cullman, Alabama, other than the City Council President, shall receive an annual salary equal to eighteen percent (18%) of the annual salary of the Mayor, payable in equal monthly installments out of the treasury of the City of Cullman.

SECTION 3. That, for the term of office beginning on the First Monday in November, 2020, the President of the City Council of the City of Cullman, Alabama, shall receive an annual salary equal to twenty percent (20%) of the annual salary of the Mayor, payable in equal monthly installments out of the treasury of the City of Cullman.

SECTION 4. That, for the term of office beginning on the First Monday in November, 2020, any general increase in the compensation of all or substantially all city employees shall be applied proportionately to the salary of the Mayor.

SECTION 5. That, for the term of office beginning on the First Monday in November, 2020, the Mayor and members of the City Council of the City of Cullman, Alabama, shall be entitled to all other benefits which are generally available to regular, full-time City employees.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2019-06 to vacate and surplus property not needed for any public or municipal purpose. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2019-06 to vacate and surplus property not needed for any public or municipal purposes. 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 06

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: All that part of the Northeast Quarter of Section 19, Township 10 South, Range 3 West, more particularly described as: commencing at the northeast corner of said Section 19; thence South 0°29'12" East a distance of 1599.24 feet to an existing ½ inch pipe and the true point of beginning of the property herein described; thence from said true point of beginning run South 0°20'00" East a distance of 398.05 feet to an existing ½ inch pipe; thence North 88°22'02" West a distance of 434.74 feet to an existing ½ inch pipe; thence North 0°20'49" West a distance of 398.26 feet to an existing ½ inch pipe; thence South 88°20'24" East a distance of 434.84 feet to the true point of beginning and containing 3.97 acres, more or less. Description from survey of H.D. Harris, AL. Reg. No. 5742, dated August 27, 2003. Subject to the Oil and Gas Lease to H. D. Easton, Jr. as filed for record in Book 112, Page 179 and also subject to the ROW for the gravel road along the East side of subject property as shown by the survey of H.D. Harris, AL. Reg. No. 5742, dated August 27, 2003. PROPERTY IS BEING PURCHASED IN "AS IS" CONDITION.

SECTION 2. The Cullman City Council hereby declares the above described property to be surplus and not needed by the City of Cullman for public or municipal purposes.

SECTION 3. The City Council hereby authorizes the Mayor and City Clerk to sell this property for its fair market value.

SECTION 4. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 5th day of November, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 5th day of November, 2018.

/s/ Woody Jacobs – Mayor

Council Member Moss 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS

Council Member Page made a motion to appoint Clint Hollingsworth to the Utilities Board of the City of Cullman. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Council Member Hollingsworth abstained from voting.

Council President Pro Tem Cook made a motion to appoint David Moss to the Cullman Jefferson Gas Board. Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Council Member Moss abstained from voting.

Council Member Hollingsworth made a motion to appoint Todd Floyd to the Wellstone, Inc. Board of Directors. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Mayor Woody Jacobs appointed Mike Voss to the City of Cullman Housing Authority.

Council President Folsom asked for a motion to adjourn at 7:21 p.m. Council President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.