

CULLMAN CITY COUNCIL MEETING ON FEBRUARY 11TH, 2019 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, February 11th, 2019. Fire Chief Brian Bradberry presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from January 21st, 2019. President Pro Tem Johnny 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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. President Pro Tem Cook made a motion to approve the minutes from January 21st, 2019 as written. Council Member Moss 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 Moss: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook made a motion to delete No. 1 under Roman Numeral VIII to set a public hearing for the rezoning of the property located on Main Avenue SW and Morningside Drive SW from R-2 Residential District and R-4 Residential District. Council Member Page seconded the motion to delete, and the motion was approved by a voice vote. Ayes: All. Nays: None.

City Attorney Roy Williams told the City Council that the request for the rezoning needed to be referred back to the City of Cullman Planning Commission. Council Member Cook made a motion to add No. 3 under Roman Numeral IX to refer the request to rezone of the property located on Main Avenue SW and Morningside Drive SW from R-2 Residential District and R-4 Residential District back to the City of Cullman Planning Commission. Council Member Page seconded the motion to add, and the motion was approved by a voice vote. Ayes: All. Nays: None.

V. REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Council Member Andy Page recognized Reserve Police Officers Matt Schlosser and Tim Nalley for 10 years of service to the City of Cullman Police Department.
2. Utilities (Water, Sewer, etc.) - Council Member David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Council Member Johnny Cook – No report.
4. Tourism (Parks & Recreation, Airport, etc.) - Council Member Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Council Member Jenny Folsom – No report.

REPORT FROM THE MAYOR

Mayor Woody Jacobs asked everyone to pray Mayor Kenneth Kilgo and his family. Mayor Jacobs thank the city employees who worked diligently to prepare the north section of West Main Avenue for paving.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mrs. Rebecca Peinhardt, 1344 County Road 469, stated that she was concerned and opposed to the proposed Rock the South location because it is near farms and families. She said that it was not an appropriate location and asked that her letter be read into the minutes: Rebecca Peinhardt, speaking on behalf of her and her husband Curt Peinhardt, 1344 County Road 469, to respectfully voice concern and express opposition to the planned location of the Rock the South concert on County Road 469 and Swafford Road. As residents of this neighborhood for 38 years, we value the safety, security, peacefulness, and quality of life afforded by our neighborhood. This area represents a neighborhood of farms and ranches and citizens composed of retired couples and individuals, the elderly, and families raising children. Our complaint and opposition is profound regarding our neighborhood. We are not opposed to the concert itself or to the promoters. However, we genuinely believe that this country setting of peace, quiet, safety and tranquility for families and individuals is not the appropriate location for such an event or events at any time, and no amount of mitigation will benefit our neighborhood and area. We are requesting that this letter/memo be read into the record of the City Council proceedings to document our concern, opposition, and protest holding the Rock the South concert in the planned location at the corner of County Road 469 and Swafford Road, Cullman, AL.

PUBLIC HEARINGS – None

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

Council President Pro Tem Cook moved to approve a special event request from Melissa Aaron of East Elementary PTO to hold a one mile fun run and a 5k color run starting at East Elementary on March 16th, 2019 at 7:00 a.m. to raise money for playground equipment. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss moved to approve a special event request from Jenny Helton of Desperation College to hold a 5k run starting at the Festhalle on April 27th, 2019 at 7:00 a.m. to raise money for Desperation College. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook moved to send the rezoning request back to the City of Cullman Planning Commission regarding the rezoning of property located on Main Avenue SW and Morningside Drive SW. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

Council President Folsom held the first reading of Ordinance No. 2019-08 to authorize and approve the rehiring retired police officers and firefighters.

ORDINANCE NO. 2019 – 08

TO APPROVE THE REHIRING OF RETIRED LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

WHEREAS, Act No. 2017-346 of the Alabama Legislature provides that a municipality may rehire a retired law enforcement officer or a retired firefighter formerly employed by the municipality to provide public safety services if all of the following conditions are satisfied:

- (1) A local law is enacted authorizing the rehire of retired law enforcement officers or firefighters formerly employed by the municipality.
- (2) The municipality rehiring a retiree provides a copy of the local law referenced in subdivision (1) to the Director of the Ethics Commission.
- (3) Upon a determination to rehire a retired law enforcement officer or firefighter, the municipality immediately provides notice to the Director of the Ethics Commission that the former employee is being rehired; and

WHEREAS, the City of Cullman finds it in the public interest to rehire retired law enforcement officers or retired firefighters from time to time on a part-time basis to provide public safety services.

THEREFORE, BE IT ORDAINED, by the City Council of the City of Cullman, as follows:

Section 1: That the City of Cullman hereby authorizes the rehire of retired law enforcement officers and retired firefighters formerly employed by the City of Cullman, that a copy of this ordinance will be provided to the Director of the Alabama Ethics Commission, and that notice of the rehiring of any retired law enforcement officer or retired firefighter will immediately be provided to the Director of the Alabama Ethics Commission.

Section 2: The terms of employment of any retired law enforcement officer or retired firefighter will be subject to the conditions of Section 36-27-8.2 of the Code of Alabama, 1975.

Section 3: This Ordinance shall become effective upon its adoption as provided by law.

ADOPTED BY THE CITY COUNCIL this the 25th day of February, 2019.

Jenny Folsom – President of the City

ATTEST:

Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 25th day of February, 2019.

Woody Jacobs – Mayor

Council President Folsom stated that no further action was taken at this time.

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

RESOLUTION NO. 2019 - 31

TO APPOINT OFFICERS OF THE CITY OF CULLMAN

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

SECTION 1. The City Council of the City of Cullman designates the following officers to be appointed; said officers will serve until their successors are appointed:

Kenny Culpepper	Chief, Police Department.
Brian Bradberry	Chief, Fire Department.
Dale Greer	Director of Economic Development.
Larry Jones	Superintendent, Sanitation Department.
Scotty Talley	Superintendent, Street Department.
Jeff Adams	Superintendent, Wastewater Treatment Plant.
Chris Freeman	Superintendent, Water and Sewer Department.

Joshua Brown
Edward (Tom) Charney
Jacob Smith
Erica York
Jason Nunnelley

Superintendent, Garage Department. Rick Fulmer Chief Building Official.
Director of Risk Management.
Director of Information Technology.
Director of Engineering.
Director of Technology Village.

ADOPTED BY THE CITY COUNCIL this the 11th day of February, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 11th day of February, 2019.

/s/ Woody Jacobs – Mayor

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

BOARD APPOINTMENTS: Council President Pro Tem Cook made a motion to appoint Beth Cabiness to fill the vacancy on the Wellstone Mental Health Board. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote.

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

RESOLUTION NO. 2019 – 32

TO APPROVE NEW PROMOTION PROCEDURES FOR THE CITY OF CULLMAN POLICE DEPARTMENT

WHEREAS, the Civil Service Commission (Personnel Board) of the City of Cullman recommended that the Cullman City Council approve new promotion procedures for the City of Cullman Police Department on January 22nd, 2019;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to approve new promotion procedures for the City of Cullman Police Department;

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to approve new promotion procedures for the City of Cullman Police Department.

ADOPTED BY THE CITY COUNCIL this the 11th day of February, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 11th day of February, 2019.

/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 Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 33

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 for diesel technician, and is incorporated into the Fiscal Year 2018-19 City Budget.

ADOPTED BY THE CITY COUNCIL, this the 11th day of February, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 11th day of February, 2019.

/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 Member Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 34

TO AMEND THE CITY OF CULLMAN PHYSICAL FITNESS STIPEND POLICY

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the physical fitness stipend for certified law enforcement officers and firefighters be hereby amended to include a stipend of one-half the normal rate for part-time certified law enforcement officers that have worked a minimum of 250 hours in the preceding year.

ADOPTED BY THE CITY COUNCIL this the 11th day of February, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 11th day of February, 2019.

/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 for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council President Pro Tem Cook seconded the motion, and the meeting was adjourned at 7:20 p.m. by a voice vote. Ayes: All. Nays: None.