

CULLMAN CITY COUNCIL MEETING ON FEBRUARY 25TH, 2019 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, February 25th, 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, and Council President Jenny Folsom. Absent: Mayor Woody Jacobs and Council Member Clint Hollingsworth. Also, present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from February 11th, 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. President Pro Tem Cook made a motion to approve the minutes from February 11th, 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.

ADDITIONS/DELETIONS TO AGENDA - None

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page presented the following yearly awards: Firefighter Neville Franks was promoted to Lieutenant and awarded the 2018 Firefighter of the Year and Firefighter Joel Sims with the 2018 EMT of the Year.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – No report.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom gave the 1st Quarter Fiscal Year 2018-19 Financial Report which highlighted an increase in overall revenue of ½% and sales tax revenue was up 4 ½% over the previous year. Unemployment was at 2.9% which is the second lowest unemployment rate in Alabama.

REPORT FROM THE MAYOR – No Report.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None

PUBLIC HEARINGS – None

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

Council Member Page moved to approve a special event request from Matthew Shaddrix of 306 7th Street SE (for a noise permit) to hold a private St. Patrick's Day Celebration from 5:00 p.m. until 11:00 p.m. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

President Pro Tem Cook moved to approve a special event request from Johann Moore of 101 First Avenue NE to hold the annual Spring Street Sale in the Warehouse District on March 8th & 9th, 2019 from 6:00 a.m. until 6:00 p.m. each day, subject to agreement from other merchants. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Andy Page moved to approve a special event request from Heather Gudger of 302 Second Avenue SE to hold the Southern Makers "Build-A-Bride" Runway Show on March 2nd, 2019 at Southern Accents Architectural Antiques from 6:30 p.m. until midnight. President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss moved to approve a request from Save-A-Lot located at 1734 Second Avenue SW for a city alcohol license to serve beer and wine off-premises, which received a favorable recommendation from the City of Cullman Alcohol Review Committee. President Pro Tem Cook 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 second reading of Ordinance No. 2019-08 to authorize and approve the rehiring retired police officers and firefighters. Council President Pro Tem Cook made a motion to adopt the following Ordinance:

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.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

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

RESOLUTION NO. 2019 – 35

TO SUBMIT THE PRE-APPLICATION FOR STATE REVOLVING FUNDS FOR IMPROVEMENTS TO THE SANITARY SEWER COLLECTION SYSTEM

WHEREAS, the Cullman City Council recognizes that it is in the City's best interest to submit the pre-application for state revolving funds (SRF) for improvements to the Sanitary Sewer Collection System in the amount not to exceed \$7,100,000;

WHEREAS, St. John & Associates, Inc. has prepared the SRF pre-application under the existing professional services agreement with the City of Cullman;

BE IT RESOLVED by the Cullman City Council that Woody Jacobs is hereby authorized to submit the pre-application for state revolving funds for improvements to the Sanitary Sewer Collection System in the amount not to exceed \$7,100,000.

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

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

/s/ Woody Jacobs – Mayor

Council Member Moss 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 - 36

AUTHORIZING MAYOR TO ENTER INTO PURCHASE AGREEMENT

WHEREAS, the City has been offered a parcel of property being approximately 1 acre, more or less, located on Second Avenue NE that appears to meet the requirements of the City of Cullman; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City and serves a public purpose to purchase the said property at a reasonable price; and

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Woody Jacobs is hereby authorized to enter into a Purchase Agreement to purchase said property from the Estate of Juanita Schaefer under the terms and conditions offered and to do all other things necessary as he deems just in contracting with the property owner.

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

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

/s/ Woody Jacobs – Mayor

Council Member Moss 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 – 37

TO AUTHORIZE CHANGE ORDER NO. 1 FOR C.H. HARRIS, INC.

WHEREAS, the Cullman City Council awarded the bid for the construction of the Sanitation Facility on Convent Road to C.H. Harris, Inc. in the amount of \$349,285.00;

WHEREAS, the Sanitation Superintendent Larry Jones has recommended that Change Order No. 1 be approved which will increase the total cost of the project by \$3,389.34 to upgrade the material for the roof;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 1 which will increase the total cost of the contract with C.H. Harris, Inc. to \$352,674.34.

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

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 25th 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 Page made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 38

TO ADOPT THE MUNICIPAL WATER POLLUTION PREVENTION RESOLUTION

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to adopt the Municipal Water Pollution Prevention Resolution;

BE IT RESOLVED, that the City of Cullman, Alabama, informs the Department of Environmental Management that the following actions were taken by the Cullman City Council:

1. Reviewed the MWPP Annual Report which is attached to this resolution.
2. Set forth the following actions and schedule necessary to maintain effluent requirements contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - (a) Continue Five-Year Planning for Wastewater.
 - (b) Continue currently Planned Projects.
 - (c) Continue Smoke Testing.
 - (d) Continue Video Inspection.

BE IT FURTHER RESOLVED, that upon the completion of the execution of this Agreement by all Parties, that a copy of such Agreement shall be kept on file by the City Clerk.

ADOPTED BY AN UNANIMOUS VOTE of the Cullman City Council on this the 25th day of February, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 25th 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.

BOARD APPOINTMENTS

Council President Pro Tem Cook made a motion to appoint Brad Smith to fill the vacancy on the Construction Board of Appeals. Council Member Moss seconded the motion, and the motion was approved by a voice vote.

Council President Pro Tem Cook made a motion to appoint Dr. Benjamin Rogers to fill the replace Don Hubbard on the Medical Clinic Board No. 2. Council Member Page seconded the motion, and the motion was approved by a voice vote.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council Member Moss seconded the motion, and the meeting was adjourned at 7:21 p.m. by a voice vote. Ayes: All. Nays: None.