

CULLMAN CITY COUNCIL MEETING ON MAY 13, 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, May 13, 2019. Fire Chief Brian Bradberry presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, 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 City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from April 22, 2019. President Pro Tem Johnny Cook made a motion to suspend the rules to consider the minutes. Council Member Moss 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 April 22, 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 President Pro Tem Johnny Cook made a motion to add No. 3 under Roman Numeral VIII to set a public hearing for a Community Development Block Grant (CDBG) application. Council Member Hollingsworth seconded the motion to add the public hearing and the motion was approved by a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page and Police Chief Culpepper presented commendations to Police Department pilots Officer Matt Dean and Captain Gene Bates for their mutual aid assistance on May 8, 2019 where they were able to locate two missing hikers in Bankhead National Forest in Winston County by helicopter using an infrared camera system.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – None.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth asks Park and Recreation Director Nathan Anderson to share upcoming events. Director Anderson reported a successful Strawberry Fest with an estimated attendance of 20,000, and the Nitty Gritty Dirt Band concert had approximately 5,000 attending. The Major League Fishing Tournament took place the following week. In addition to the fans in attendance, there were over 1.3 million online viewers and the event will re-air 13 times throughout the year, giving great exposure to downtown Cullman, local tourist attractions and the lake. The entire event went very smoothly and expect the MLF Tournament to return next year. The Dinner on First event takes place this Friday, May 17th. The state track meet had a record attendance on Friday and all the City's employees worked hard to make the event successful.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom reports on the FY 2019 financial status from October 1, 2018 through March 31, 2019; the City's total revenues increased by 2.5% which is approximately a half million dollars. Expenses were down 5% equaling about one million dollars. Cullman County unemployment for March is the fifth lowest in the state at 3.4%.

REPORT FROM THE MAYOR

Mayor Jacobs shared that the track meet is a sought after event and commends Wesley Moore, Coach Andy Page, the council and all the City's departments because the meet's planners wanted to come back to Cullman because of the facilities and the hospitality provided during the meet. Also, as good as a low unemployment rate is, it also works against us in recruiting industries by not being able to provide the necessary workforce.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

Council President Folsom set a public hearing on June 24th, 2019 at 7:00 p.m. for Resolution No. 2019 - 59 to vacate and surplus Marline Drive SE.

Council President Folsom set a public hearing on June 24th, 2019 at 7:00 p.m. for Ordinance No. 2019 - 15 to vacate and surplus a utility easement on Lincoln Avenue SW and 4th Street SW (Highway 278).

Council President Folsom called the public hearing to order at 7:18 pm regarding a Community Development Block Grant application. Community Consultant Terry Acuff discussed an upcoming opportunity for a CDBG grant for \$450,000 that would be applicable for projects in areas of 51% of low or moderate income. Council President Folsom closed the public hearing at 7:20 pm.

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

Council President Pro-Tem Cook made a motion to grant special event request from Bethany and James Nabors of 105 County Road 1111 to hold a memorial gathering for Timothy Ryan Chappell in Cullman City Parking Deck on May 18th, 2019 from 5:00 p.m. until 7:00 p.m. 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 introduced Ordinance No. 2019-11 for amending Ordinance No. 2004-03 and the Zoning Map of the City of Cullman, Alabama, to Re-Zone Certain Parcels of Property of Property as Set Forth Herein for consideration. Council Member Hollingsworth made a motion to vote on Ordinance No. 2019-11, and Council Member Moss seconded the motion to vote on the following ordinance:

ORDINANCE NO. 2019 – 11

AMENDING ORDINANCE NO. 2004-03 AND THE ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO REZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Elizabeth R. Jochum, the following describe the tract or parcel of land, to-wit:

Commencing at a point 670 feet North of Southwest Corner of the Northeast Quarter of the Southeast Quarter of Section 21, Township 10, Range 3 West, thence running North 330 feet, thence East 1322 ½ feet, more or less, to the Bremen Pike, thence South 330 feet and thence West 1322 ½ feet, more or less, to the point of commencement, containing 10 acres, more or less. Situated, lying and being in Cullman County, State of Alabama. within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as R-2 Residential District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from R-2 Residential District to R-4 Residential District.

2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsised, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

3. That a public hearing be held relative to the passage of this ordinance on the 15th day of April, 2019 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance be and are hereby changed and amended to reflect the changes and amendments herein.

6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this ordinance.

7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL this the 13th day of May, 2019.

Jenny Folsom – President of the City Council

ATTEST:

Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 13th day of May, 2019.

Woody Jacobs – Mayor

Mr. Wesley Moore polled the Council Members: Council Member Page: Nay. Council President Pro Tem Cook: Nay. Council President Folsom: Nay. Council Member Moss: Nay. Council Member Hollingsworth: Nay. Ayes: None. Nays: All. With all five votes against the ordinance, the motion to adopt Ordinance No. 2019-11 failed unanimously.

Council President Folsom held the second reading of Ordinance No. 2019-14. Council President Pro-Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 - 14

AUTHORIZING THE MAYOR TO RESOLVE CLAIMS AGAINST THE CITY OF CULLMAN, ALABAMA

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

Section I. Purpose. The purpose of this Ordinance is to allow the Mayor of the City of Cullman, when circumstance warrants to, with the advice of the city attorney, to settle certain claims or suits brought against or for the City for damage without further approval of others.

Section II. Definitions: Claims or suits include: personal injury, property damage, workman's compensation, EEOC, personnel claims, accounts payable, accounts receivable, assessments and abatements, as defined within the laws of the state of Alabama.

Section III. Legal Authority. The Mayor of the City of Cullman is hereby authorized by the City Council of the City of Cullman to settle or compromise any claim or suit brought for or against the City of Cullman as necessary with the advice of the City Attorney for any controversy less than \$75,000.

The Mayor is hereby authorized to settle, negotiate settlement or compromise, and to sign such documents as are necessary and proper to resolve said claims or suits on behalf of the City.

ADOPTED BY THE CITY COUNCIL this the 13th day of May, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 13th day of May, 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 Page made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 56

WHEREAS, the City of Cullman has received a grant from the Appalachian Regional Commission (ARC) for the purpose of implementing a sewer system improvement project in the Midtown Area near Cullman High School; and

THEREFORE, in accordance with ARC regulations the City of Cullman has solicited and received bids from qualified construction companies to construct the above referenced sewer system improvements in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the City of Cullman and St. John and Associates have evaluated the bids received and have determined Manning Construction, LLC is the low bidder on the construction phase of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award and enter into a contract with Manning Construction, LLC in the amount of \$984,561.00 to construct all sewer system improvements associated with the above referenced project.

READ AND ADOPTED this the 13th day of May 2019.

Signed for the Cullman City Council:

By: /s/ Woody Jacobs, Mayor

Attest:

/s/Wesley M. Moore, City Clerk

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 – 57

TO RENEW THE GENERAL LIABILITY, PROPERTY, AND WORKERS COMPENSATION INSURANCE

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to renew the general liability, property, and workers compensation insurance with Travelers Insurance and Oxford Insurance Brokers through Smith-Gray Insurance Agency, Inc.;

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renew the general liability, property, and workers compensation insurance with Travelers Insurance and Oxford Insurance Brokers through Smith-Gray Insurance Agency, Inc.

ADOPTED BY THE CITY COUNCIL this the 13th day of May, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 13th day of May, 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 President Pro Tem Cook Council Member Moss made a motion to adopt the following resolution and authorized the Mayor to enter into an agreement not to exceed \$190,000:

RESOLUTION NO. 2019 – 58

TO ENTER INTO AGREEMENT WITH THE STATE OF ALABAMA TO INSTALL A TRAFFIC SIGNAL, ACCELERATION LANE EXTENSION AND RIGHT LANE EXTENSION AT THE INTERSECTION OF US-31 AND OLIVE STREET IN THE CITY LIMITS OF CULLMAN, ALABAMA

BE IT RESOLVED, by the City Council of the City of Cullman, Alabama as follows:

1. That the City of Cullman, Alabama, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for installation of a traffic signal, acceleration lane extension, and right turn lane extension at the intersection of US-31 and Olive Street in the city limits of Cullman. Which agreement is before the Council.
2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the agreement.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on record by the City Clerk.

PASSED, ADOPTED, AND APPROVED BY THE CITY COUNCIL this the 13th day of May, 2019.

/s/ Wesley M. Moore – City Clerk

/s/ Woody Jacobs – Mayor

I, the undersigned qualified and acting clerk of the City of Cullman, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 13th day of May, 2019 and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the 13th day of May, 2019.

/s/ Wesley M. Moore – City Clerk

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

Council President Folsom held the first reading of Ordinance No. 2019-16 to annex certain properties into the city limits of the City of Cullman, Alabama. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. 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 Member Moss made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 16

TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. The City Council of the City of Cullman finds that Nathan Brock have petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman:

PPIN: 2675. PARCEL: 09-08-27-0-001-002.003. ADDRESS: 536 County Road 1324.

LEGAL DESCRIPTION: All that part of the Northeast quarter of the Northwest quarter of Section 27, Township 9 South, Range 3 West, Cullman County, Alabama: more particularly described as beginning at the Southwest corner of the Northeast quarter of the Northwest quarter of Section 27; thence due East along the South boundary of said forty, a distance of 824.5 feet; thence along the East margin of a 50 foot wide private drive right-of-way North 4 degrees 14 minutes East 272.3 feet to the true point of beginning of the land herein conveyed said point is further described on the Northwest corner of Del Brock lot; thence from the true place of beginning continue along said East margin of private drive by the following bearings and distances; North 24 degrees 47 minutes West 192.5 feet; North 32 degrees 53 minutes East 194.4 feet; North 38 degrees 23 minutes 121.4 feet; and North 34 degrees 13 minutes East 132 feet to the Southwest corner of the John Hasenbein lot thence South 48 degrees 02 minutes East along the South line of Hasenbein lot a distance of 159.3 feet to the 807.5 contour of Lake George; thence in a southerly direction along said 807.5 contour line 380 feet more or less, to the Northeast corner of the Del Brock lot: thence South 63 degrees 27 minutes West along the North boundary line of said Del Brock lot 187.4 feet to the true place of beginning. SOURCE OF TITLE: Deed Book 520, Page 560.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-1 RESIDENTIAL DISTRICT.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 13th day of May, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 13th day of May, 2019.

/s/ Woody Jacobs – Mayor

Council Member Hollingsworth seconded the motion to adopt, 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 asked for Board Appointments, but there were none.

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:29 p.m. by a voice vote. Ayes: All. Nays: None.