

CULLMAN CITY COUNCIL MEETING ON MARCH 18TH, 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, March 18th, 2019. Police Chief Kenny Culpepper 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 March 4th, 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 March 4th, 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 - None

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – Welcomes Scott McDougal, Professor of Political Science from Diablo Valley College in Southern California. Chairman Cook also announced the Annual Spring Clean-Up will be held April 1-5, 2019, urging citizens to put all items on the roadside to be picked up on their normal garbage day.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth announces an indoor sports and events complex that will host traditional and non-traditional sports indoors. Park and Recreation Director Nathan Anderson reported that community research revealed a large, local need for more indoor space. A six court, two level complex designed to handle at least 50 different sports related activities and tourism, expos, conferences, concerts, etc. There are twelve different tournaments that have given verbal commitments to use the facility in its opening year of 2021. These tournaments will benefit the city by filling hotels and driving the local economy. For regional and national exposure and promotions, the sports complex will be rebranded as a mega sports complex to encompass the new facility, Heritage Park and Field of Miracles – which has nine baseball tournament fields, six soccer tournament fields, a water park in the middle of the complex. Cullman's name will be a top sports tourism complex in the country with the ability to host a large variety of sports tournaments and competitions such as martial arts, wrestling, cheer, dance, gymnastics, basketball, volleyball, fencing, etc., with the ability to seat up to 4,000 people.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom – No report.

REPORT FROM THE MAYOR – Mayor Jacobs encouraged everyone to vote yes tomorrow, Tuesday, March 19th, to renew the 30 year millage tax that funds the county and city school systems. Mayor Jacobs reiterates this is not a new tax, but a renewal that must be approved every 30 years for the current funding of the school systems to continue.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None

PUBLIC HEARINGS

Council President Folsom set a public hearing for the rezoning of property located on Main Avenue SW and Morningside Drive SW from R-2 Residential District to R-4 Residential District, which received a favorable recommendation from the City of Cullman Planning Commission, on April 15th, 2019 at 7:00 p.m. in the Lucille N. Galin Auditorium at Cullman City Hall located at 204 Second Avenue NE, Cullman, Alabama 35055.

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

Council President Pro-Tem Cook made a motion to approve the special event request from Cali Tidwell of Desperation Church to hold the annual fireworks festival in Heritage Park on July 4th, 2019 from 5:00 p.m. until 9:30 p.m. 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 approve the special event request from Rebekah Mickle of Cullman First Baptist Church to hold a dinner outside and Easter egg hunt on April 14th, 2019 from 11:30 a.m. until 1:30 p.m. 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 approve the request from the Shrimp Basket located at 1716 Second Avenue NW for approval of a restaurant alcohol license, which received a favorable recommendation from the City of Cullman Alcohol Review

Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Abstained: Council President Jenny Folsom.

Council Member Moss made a motion to approve the request from B & B Bartending, LLC located at 1872 County Road 469 for approval of a special events alcohol license, which received a favorable recommendation from the City of Cullman Alcohol Review Committee pending the issuance of a special event permit from the City Council for the Rock the South Music Festival. Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NO. 2019 – 43

AUTHORIZING THE MAYOR TO EXTEND THE LEASE WITH CSX TRANSPORTATION, INC. FOR AN IRREGULAR SHAPED PARCEL OF LAND

WHEREAS, the City Council of the City of Cullman has determined that it would be in its best interest to allow the Mayor to extend the lease with CSX Transportation, Inc. for an irregular shaped parcel of land; and

WHEREAS, the City Council of the City of Cullman believes that it is in the best interest of the City to extend the lease with CSX Transportation, Inc. for an irregular shaped parcel of land under the terms as approved by the Mayor;

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to extend the lease with CSX Transportation, Inc. for an irregular shaped parcel of land for a period of an additional five years until November 14th, 2026.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 44

TO EXTEND THE BID FOR VARIOUS TYPES OF ROCK

WHEREAS, the recommendation from the Street Superintendent Scott Talley is to extend the current bid for various types of rock with Blount Springs Materials Company, Inc. until March 31st, 2020;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for various types of rock with Blount Springs Materials Company, Inc. until March 31st, 2020;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for various types of rock, previously awarded to Blount Springs Materials Company, Inc., is hereby extended until March 31st, 2020.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 Pro-Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 45

TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT

WHEREAS, the Cullman City Council recognizes that it is in the City's best interest to enter into a professional services contract with John Guthrie, Jr. for consulting services;

BE IT RESOLVED by the Cullman City Council that Woody Jacobs is hereby authorized to enter into a professional services contract with John Guthrie, Jr. for consulting services in the amount not to exceed \$24,000.00.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 2019.

/s/ Woody Jacobs – Mayor

Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Abstained: Council President Jenny Folsom.

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

RESOLUTION NO. 2019 - 46

TO AWARD BID FOR A DEWATERING SLUDGE CONTAINER FOR WWTP

WHEREAS, bids were received on February 28th, 2019 at 2:00 p.m. for a dewatering sludge container for the Wastewater Treatment Plant,

WHEREAS, the following bids were opened:

Cahaba Water Solutions, Inc.	Pelham, Alabama	No Bid
Pump & Process Equipment, Inc.	Birmingham, Alabama	\$47,500.00
Western Oilfields Supply Company, Inc.	Tarrant, Alabama	No Bid

WHEREAS, the recommendation from WWTP Superintendent Jeff Adams, after further negotiations with the low bidder, is to award the bid for a dewatering sludge container to Pump & Process Equipment, Inc., the lowest responsible bidder, in the budgeted amount not to exceed \$45,000.00.

BE IT RESOLVED by the Cullman City Council that the bid for a dewatering sludge container for the Wastewater Treatment Plant be awarded to Pump & Process Equipment, Inc., the lowest responsible bidder, in the budgeted amount not to exceed \$45,000.00.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 – 47

TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CDG

WHEREAS, the Cullman City Council recognizes that it is in the City's best interest to enter into a professional services contract with CDG Engineers & Associates, Inc. for CEI services on Downtown Streetscape Improvements in the amount not to exceed \$53,000.00;

BE IT RESOLVED by the Cullman City Council that Woody Jacobs is hereby authorized to enter into professional services contract with CDG Engineers & Associates, Inc. for CEI services on Downtown Streetscape Improvements in the amount not to exceed \$53,000.00.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 Folsom held the first reading of Ordinance No. 2019-09 to participate in the 2019 Back to School Sales Tax Holiday. Council President Pro Tem Cook 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 President Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 - 09

TO PROVIDE FOR THE EXEMPTION OF THE COVERED ITEMS IN ACT 2006-574 FROM CITY SALES TAX

WHEREAS, the Legislature of the State of Alabama through Act 2006-574 has allowed cities and counties to exempt certain items mainly for the purchase of supplies, course studies, and clothing for children at the beginning of each school year, from sales and use taxes, the items allowed to be exempt specifically outlined in Act 2006-574;

WHEREAS, Act 2017-120 also limits the exemption to items purchased during a specific period of time being 12:01 a.m. on the third full weekend in July;

WHEREAS, the City of Cullman, Alabama, receives directly or indirectly through ordinance or legislative act, certain sales and use taxes which may be exempted under the provisions of Act 2006-574;

WHEREAS, the Cullman City Council finds and determines that it concurs with the exemption enacted by the Legislature in order to encourage and assist families in the purchase of necessary and essential items to properly clothe and provide their children with quality equipment and sufficient supplies to enhance their learning, comfort, and enjoyment of the school year ahead.

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

Section 1. The City of Cullman, Alabama, hereby abates or suspends and exempts only those items listed in Act 2006-574 from sales and use taxes levied or received by the City of Cullman for sales completed (being purchased and delivered to the customer) during the period commencing on Friday, July, 19th, 2019 at 12:01 a.m. and ending on the following Sunday, July 21st, 2019 at 12:00 midnight. The items listed in Act 2006-574 shall not be exempt from sales or use tax during any time period other than the above stated third full weekend in July.

Section 2. The Cullman City Council may amend this ordinance or adopt a separate ordinance to extend this exemption of sales and use tax for the third full weekend in July for future years.

Section 3. Nothing in this Ordinance shall be construed to grant, exempt, amend, abate, or void any sales or use tax ordinance, law or legislation in any manner other than described in Alabama Legislative Act 2006-574.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 held the first reading of Ordinance No. 2019-10 to change the speed limit on Convent Road NE. Council President Pro Tem Cook 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 Moss made a motion to adopt the following ordinance:

**ORDINANCE NO. 2019 - 10
TO CHANGE THE SPEED LIMIT ON CONVENT ROAD**

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

Section 1. The City of Cullman, Alabama, hereby sets the speed limit as twenty (20) miles per hour on Convent Road Northeast from Morning Drive Northeast to the intersection of Larkwood Drive Northeast.

Section 2. This Ordinance shall become effective upon its adoption and publication as provided by law.

ADOPTED BY THE CITY COUNCIL this the 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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.

BOARD APPOINTMENTS – None

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

RESOLUTION NO. 2019 - 48

**TO AMEND THE ANNUAL BUDGET FOR THE CITY OF CULLMAN
BEGINNING OCTOBER 1ST, 2018 AND ENDING SEPTEMBER 30TH, 2019**

WHEREAS, the Cullman Street Department and the City Engineer are currently assessing the conditions of every street and roadway located in the city limits of Cullman to develop a master plan for street improvements;

WHEREAS, the hail storm in 2018 and the following construction traffic have significantly damaged a number of the streets and roadways in the city limits of Cullman;

WHEREAS, the Cullman City Council has determined, based primarily on the findings of the initial assessment, that it serves a public purpose to amend the budget to purchase additional paving equipment and road building materials for this fiscal year 2018-19;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS: 1. That the General Fund Budget is hereby amended to the amount of \$40,995,000 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 following Miscellaneous and Special Fund Budgets are hereby amended to the following: Four Cent Gas Tax Fund - \$300,000 and Seven Cent Gas Tax Fund - \$450,000; 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. 3. This Resolution shall become effective on its passage and approval.

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 18th day of March, 2019.

/s/ Jenny Folsom – President of the City

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 18th day of March, 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 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 7:30 p.m. by a voice vote. Ayes: All. Nays: None.