

CULLMAN CITY COUNCIL MEETING ON NOVEMBER 14TH, 2016 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Garlan Gudger called the Cullman City Council Meeting to order at 7:06 o'clock p.m. on Monday, November 14th, 2016. Fire Chief Edward Reinhardt presented the invocation.

A roll call by Mr. Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council Member Johnny Cook, Council Member Clint Hollingsworth, Council President Pro Tem Jenny Folsom, and Council President Garlan Gudger. Absent: None. Also present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Gudger asked the Council to consider the minutes from October 24th, 2016 and November 7th, 2016. Council Member Cook made a motion to suspend the rules to consider the minutes. Council Member Folsom 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 Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion to approve the minutes from October 24th, 2016 and November 7th, 2016 as written. Council Member Folsom 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 Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA

Council Member Cook made a motion to add #13 under Roman Numeral X which is Resolution No. 2017-22 to move the Council Meeting from December 27th, 2016 to December 19th, 2016. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

1. General Government Committee - Chairwoman Jenny Folsom - No report.
2. Public Works Committee - Chairman Johnny Cook thanked everyone who helped with the swearing in ceremony.
3. Public Safety Committee - Chairman Andy Page - No report.
4. Tourism Committee - Chairman Clint Hollingsworth - No report
5. Utilities Committee - Chairman Garlan Gudger - No report.

REPORT FROM THE MAYOR - None.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Mr. Cox from Lighthouse, Inc. asked when the City Council would consider renewing the lease for the home on Convent Road. Council President Gudger stated that renewing the lease would be considered at the next Cullman City Council Meeting and thanked him for attending today's meeting.

PUBLIC HEARINGS

Council President Gudger opened the public hearing at 7:11 p.m. for Ordinance No. 2017-01 to rezone certain parcels of property owned by the Industrial Development Board of the City of Cullman located on County Road 469 from M1-P Manufacturing District to AG-1 Agricultural District. There was no public comments. Council President Gudger closed the public hearing at 7:13 p.m.

Council President Gudger set the public hearing on December 19th, 2016 at 7:00 p.m. for a request to vacate and surplus an alley at 1299 10th Street SE.

Council President Gudger set the public hearing on December 19th, 2016 at 7:00 p.m. for a request to vacate and surplus a portion of Short Street SE.

Council President Gudger set the public hearing on December 19th, 2016 at 7:00 p.m. for a request to rezone a vacant lot beside Spirit Life Church of God.

PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS & COMMUNICATIONS

Council Member Cook made a motion to approve the request from Sanitation Superintendent Larry Jones to purchase on the NJPA bid list a brush truck from Ingram Equipment and a sweeper from Sansom Equipment in the budgeted amount not to exceed \$378,000. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Police Chief Kenny Culpepper to purchase on the state bid list four 2016 Chevrolet Tahoes from Donohoo Chevrolet in the budgeted amount not to exceed \$134,384. Council Member Page seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from WWTP Superintendent Jeff Adams to purchase two Flygt mixers from Jim House & Associates, a sole source provider, in the budgeted amount not to exceed \$13,150. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from WWTP Superintendent Jeff Adams to purchase a submersible and explosion-proof brake motor from Vulcan Industries, a sole source provider, in the budgeted amount not to exceed \$17,600. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Information Technology Director Daniel Hunt to purchase on the state bid list computers for all City departments from Dell in the budgeted amount not to exceed \$47,000. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Information Technology Director Daniel Hunt to purchase on the state bid list computer software for all City departments from SHI in the budgeted amount not to exceed \$11,500. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Information Technology Director Daniel Hunt to purchase on the state bid list a digital repeater radio system for the City of Cullman Fire and Rescue from Motorola and Sharp Communications in the budgeted amount not to exceed \$150,000. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Cullman City Parks & Recreation Director Nathan Anderson to purchase on the U.S. Communities bid list various playground equipment for Ingle Park from KOMPAN, Inc. in the budgeted amount not to exceed \$108,000. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve the request from Bill McCartney of the Red Door Café for a special event permit to hold the Santa Paw Parade on December 10th, 2016 starting at 9:00 a.m. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Donna and Mel Leigeber of 612 First Avenue SE for a special event permit to hold a Christmas Open House for Donna's Retirement on December 10th, 2016 from 6:00 p.m. until 10:00 p.m. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Fire Chief Edward Reinhardt to purchase on the NJPA bid a rescue unit and equipment from Sunbelt Fire in the budgeted amount not to exceed \$200,000. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Folsom made a motion to approve the request from Waid Harbison of Christmas in Cullman for a special event permit to hold the annual Christmas Parade and Downtown Festival on December 3rd, 2016 from 7:00 a.m. until 3:00 p.m. Council Member Hollingsworth seconded the motion to approve the request and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Cook made a motion to approve the request from Michael Sullins of Cullman Electric Cooperative for a special event permit to hold a training session on traffic control and safety for their employees on December 6th, 2016 from 7:30 a.m. until 10:30 a.m. Council Member Hollingsworth seconded the motion to approve the request 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. 2017 – 14

WHEREAS, the City of Cullman has received a Transportation Alternatives Program (TAP) Grant from the Alabama Department of Transportation (ALDOT) to rehabilitate and construct new handicapped accessible sidewalks in downtown Cullman along US Highway 31 from 5th Street South to 7th Street South; and

THEREFORE, in accordance with ALDOT regulations the City of Cullman has solicited and received bids from qualified construction companies to construct the above referenced sidewalk improvement activities in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the City Council and CDG Engineers, Consulting Engineer, has evaluated the bids received and has determined that Carcel and G Construction, LLC is the low bidder on the construction portion of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award a construction contract upon receipt of the approval of the Alabama Department of Transportation to Carcel and G Construction, LLC in the amount of \$418,558.00 to complete all sidewalk improvement activities associated with the above referenced project.

READ AND ADOPTED this the **14th** day of **November, 2016**.

Signed for the Cullman City Council:

/s/ Woody Jacobs - Mayor

ATTEST:

/s/ Wesley Moore - City Clerk

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

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

RESOLUTION NO. 2017 – 15
TO AWARD THE BID FOR THE CONSTRUCTION OF THE WATER AND SEWER FACILITY

WHEREAS, bids were opened on October 25, 2016 at 2:00 p.m. for the construction of the Water and Sewer Facility on Eva Road,

WHEREAS, the following bids were opened:		Base Bid	Alt. No. 1	Alt. No. 2	Alt. No. 3
Boatner Construction Co., Inc.	Rainbow City, AL	\$ 3,198,000	\$ 84,700	\$ 105,000	\$ 53,000
Carmon Construction, Inc.	Guntersville, AL	\$ 3,068,844	\$ 82,600	\$ 95,500	\$ 42,000
Chorba Construction, Inc.	Guntersville, AL	No Bid			
Consolidated Construction, Inc.	Huntsville, AL	\$ 3,066,000	\$ 57,000	\$ 74,000	\$ 54,000
Eidson & Associates	Cullman, AL	\$ 3,171,900	\$ 85,100	\$ 97,500	\$ 41,200
Freeman & Associates	Cullman, AL	\$ 3,315,000	\$ 96,550	\$ 110,455	\$ 40,500
Lee Builders, Inc.	Huntsville, AL	\$ 2,968,796	\$ 69,556	\$ 67,060	\$ 56,194

WHEREAS, the recommendation from David Parker of Goodwyn, Mills & Cawood is to award the bid for the construction of the Water and Sewer Facility on Eva Road to Lee Builders, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for the construction of the Water and Sewer Facility on Eva Road is hereby awarded to Lee Builders, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garland E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 16
TO AWARD THE BID FOR ONE OR MORE HEAVY DUTY TRAILERS

WHEREAS, bids were opened on November 10, 2016 at 2:00 p.m. for one or more Heavy Duty Trailers,

WHEREAS, the following bids were opened:

Better Built Trailers, Inc.	Double Springs, AL	\$ 13,225
Big Tex Trailers, Inc.	Pelham, AL	No Bid
Econoline Trailers, Inc.	Double Springs, AL	\$ 15,700
Lone Wolf Trailer Co., Inc.	Falkville, AL	No Bid

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for one or more Heavy Duty Trailers to Better Built Trailers, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for one or more Heavy Duty Trailers is hereby awarded to Better Built Trailers, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garland E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

Council Member Folsom made a motion to adopt the following resolution subject to value engineering:

RESOLUTION NO. 2017 – 17
TO AWARD THE BID FOR ONE OR MORE HEAVY EQUIPMENT TRAILERS

WHEREAS, bids were opened on November 10, 2016 at 2:00 p.m. for one or more Heavy Equipment Trailers,

WHEREAS, the following bids were opened:

Better Built Trailers, Inc.	Double Springs, AL	\$ 13,950
Big Tex Trailers, Inc.	Pelham, AL	No Bid
Econoline Trailers, Inc.	Double Springs, AL	\$ 13,405
Lone Wolf Trailer Co., Inc.	Falkville, AL	No Bid

WHEREAS, the recommendation from Water & Sewer Superintendent Chris Freeman is to award the bid for one or more Heavy Equipment Trailers to Econoline Trailers, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for one or more Heavy Equipment Trailers is hereby awarded to Econoline Trailers, Inc., the lowest responsible bidder.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garland E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 18
TO ESTABLISH THE CULLMAN CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2017

WHEREAS, the Cullman City Council encourages the public to attend all Cullman City Council Meetings and has determined that the following dates and times listed below would be the most appropriate:

Monday, January 9 th , 2017 at 7:00 p.m.	Monday, July 17 th , 2017 at 7:00 p.m.
Monday, January 23 rd , 2017 at 7:00 p.m.	Monday, July 31 st , 2017 at 7:00 p.m.
Monday, February 13 th , 2017 at 7:00 p.m.	Monday, August 14 th , 2017 at 7:00 p.m.
Monday, February 27 th , 2017 at 7:00 p.m.	Monday, August 28 th , 2017 at 7:00 p.m.
Monday, March 6 th , 2017 at 7:00 p.m.	Monday, September 11 th , 2017 at 7:00 p.m.

Monday, March 27th, 2017 at 7:00 p.m.

Monday, September 25th, 2017 at 7:00 p.m.

Monday, April 10th, 2017 at 7:00 p.m.
Monday, April 24th, 2017 at 7:00 p.m.

Monday, October 9th, 2017 at 7:00 p.m.
Monday October 23rd, 2017 at 7:00 p.m.

Monday, May 8th, 2017 at 7:00 p.m.
Monday, May 15th, 2017 at 7:00 p.m.

Monday, November 13th, 2017 at 7:00 p.m.
Monday, November 27th, 2017 at 7:00 p.m.

Monday, June 5th, 2017 at 7:00 p.m.
Monday, June 26th, 2017 at 7:00 p.m.

Monday, December 11th, 2017 at 7:00 p.m.
Monday, December 18th, 2017 at 7:00 p.m.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that the schedule of dates and times for the Cullman City Council Meetings are hereby adopted.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 19
TO RENEGOTIATE THE CONTRACT WITH LATHAN ASSOCIATES ARCHITECTS PC

WHEREAS, the Cullman City Council approved Resolution No. 2016-52 on February 22nd, 2016 to enter into a contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road;

WHEREAS, the scope of this project has expanded and the total cost of this project has changed;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor to renegotiate the contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renegotiate the contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road in the amount not to exceed \$190,000.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

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

RESOLUTION NO. 2017 – 20
TO RENEGOTIATE THE CONTRACT WITH GOODWYN, MILLS & CAWOOD

WHEREAS, the Cullman City Council approved Resolution No. 2016-28 on December 28th, 2015 to enter into a contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Water Department Facility on Eva Road;

WHEREAS, the scope of this project has expanded and the total cost of this project has changed;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor to renegotiate the contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Water Department Facility on Eva Road;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renegotiate the contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Water Department Facility on Eva Road in the amount not to exceed \$195,000.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

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

**RESOLUTION NO. 2017 – 21
TO RENEGOTIATE THE CONTRACT WITH GOODWYN, MILLS & CAWOOD**

WHEREAS, the Cullman City Council approved Resolution No. 2016-27 on November 23rd, 2015 to enter into a contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Fire Station No. 3;

WHEREAS, the scope of this project has expanded and the total cost of this project has changed;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor to renegotiate the contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Fire Station No. 3;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renegotiate the contract with Goodwyn, Mills & Cawood for professional engineering services related to the design and construction of the Fire Station No. 3 in the amount not to exceed \$324,000.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

Council Member Cook made a motion to suspend the rules to consider Ordinance No. 2017-01. Council Member Folsom 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 Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion adopt the following ordinance:

ORDINANCE NO. 2017 - 01

AMENDING ORDINANCE NO. 2004-03 AND THE ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE 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, Industrial Development Board, the following describe the tract or parcel of land, to-wit:

PPIN: 004019 & 010630.

PARCEL: 17-04-19-0-000-012.000 & 17-04-20-0-000-019.000.

ADDRESS: 1872 COUNTY ROAD 469, CULLMAN, ALABAMA 35057.

DESCRIPTION: A tract or parcel of land containing 138.83 acres of land, more or less and being a part of the southwest quarter of Section 20 and a part of the northeast quarter of the southwest quarter of section 19, all in township 10 south, range 3 west, Cullman County, Alabama and being more particularly described as follows: Begin at a found capped rebar marking the southwest corner of the southeast quarter of the southwest quarter of Section 20, township 10 south, range 3 west, Cullman County, Alabama and run north 00 degrees 21 minutes 4 seconds east, and run along the west line, a distance of 670.82 feet to a found capped rebar; thence run south 89 degrees 38 minutes 13 seconds east, a distance of 644.40 feet to a set rebar; thence north 88 degrees 15 minutes 39 seconds west, a distance of 1362.29 feet to a rebar; thence north 00 degrees 20 minutes 23 seconds east, a distance of 15.19 feet to a set rebar; thence north 87 degrees 32 minutes 12 seconds west, a distance of 1144.04 feet to a point in the center of a creek; thence run a northerly direction following the center of said creek the following 22 courses: north 68 degrees 09 minutes 51 seconds east, 247.13 feet; north 59 degrees 41 minutes 17 seconds east, 82.76 feet; north 40 degrees 12 minutes 57 seconds east, 61.96 feet; north 29 degrees 07 minutes 56 seconds east, 44.96 feet; north 38 degrees 46 minutes 46 seconds east, 81.54 feet; north 26 degrees 24 minutes 01 seconds west, 45.38 feet; north 17 degrees 12 minutes 34 seconds east, 71.39 feet; north 31 degrees 32 minutes 13 seconds east, 150.19 feet; north 17 degrees 15 minutes 08 seconds east, 27.70 feet; north 49 degrees 37 minutes 25 seconds east, 45.25 feet; north 79 degrees 45 minutes 00 seconds east, 72.99 feet; south 82 degrees 27 minutes 04 seconds east, 117.84 feet; north 75 degrees 00 minutes 58 seconds east, 118.46 feet; north 44 degrees 00 minutes 08 seconds east, 86.69 feet; north 01 degrees 32 minutes 49 seconds west, 88.53 feet; north 14 degrees 04 minutes 13 seconds west, 20.33 feet; north 61 degrees 40 minutes 15 seconds west, 201.30 feet; north 33 degrees 10 minutes 34 seconds west, 134.04 feet; north 04 degrees 38 minutes 59 seconds east, 62.86 feet; north 24 degrees 23 minutes 51 seconds east, 158.65 feet; north 38 degrees 53 minutes 18 seconds east, 100.58 feet; north 22 degrees 20 minutes 35 seconds east, 30.08 feet to a point on the accepted north line of the northeast quarter of the southeast quarter; thence run south 87 degrees 29 minutes 50 seconds east, a distance of 373.05 feet to a found 1 inch pipe; thence south 88 degrees 02 minutes 27 seconds east, a distance of 2652.97 feet to the accepted northeast corner of the northeast quarter of the southwest quarter; thence south 00 degrees 24 minutes 31 seconds west, a distance of 2650.11 feet to a set rebar marking the southeast corner of the southeast quarter of the southwest quarter of section 20; thence north 88 degrees 15 minutes 28 seconds west, a distance of 1321.23 feet to the point of beginning. Less and except all that part of the above described property that is within the right-of-way of Logan Road and County Road No. 469. Subject to any rights-of-way and/or easements of record.

situated within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as M1-P Manufacturing 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 M1-P Manufacturing District to AG1 Agricultural 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 14th day of November, 2016 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 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council Member Cook made a motion to suspend the rules to consider Ordinance No. 2017-03. Council Member Folsom 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 Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion adopt the following ordinance:

ORDINANCE NO. 2017 – 03

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 2, ARTICLE III, SECTION 2-56.

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

SECTION 1. Section 2-56.- Calling special meetings of the Code of Ordinances, City of Cullman, is hereby deleted in its entirety and replaced with the following new section:

Section 2-56.- Calling special meetings. Unless otherwise specified by law directly applicable to the governmental body, notice of a meeting, as defined in Section 36-25A-2(6)a.2. and 3., Code of Alabama 1975, as amended, as well as meetings called pursuant to Section 11-43-50, Code of Alabama 1975, as amended, shall be posted as soon as practicable after the meeting is called and in no event less than 24 hours before the meeting is scheduled to begin, unless such notice (i) is prevented by emergency circumstances requiring immediate action to avoid physical injury to persons or damage to property; or (ii) relates to a meeting to be held solely to accept the resignation of a public official or employee. In such situations, notice shall be given as soon as practical, but in no case less than one hour before the meeting is to begin. At the same time, general notice is given, special notice shall be directed to any person who has registered to receive direct notices pursuant to the provisions of Section 36-25A-2(6)a.2., Code of Alabama, 1975, as amended.

All other sections of said Ordinance shall remain in full force and effect.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

Council Member Folsom seconded the motion, and the ordinance was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council Member Folsom made a motion to suspend the rules to consider Ordinance No. 2017-04. 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 Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye. Council Member Cook made a motion adopt the following ordinance:

ORDINANCE NO. 2017 – 04

TO ANNEX CERTAIN PROPERTY 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 the **Dennis and Cynthia Goff** has 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: 016494

PARCEL: 17-01-12-0-001-098.000

DESCRIPTION: A parcel of land in the Northeast Quarter of the Southwest Quarter of Section 12, Township 10 South, Range 3 West, being more particularly described as follows: Beginning at the center of the Highway in the Northwest corner, where the land of T.N. Allen joined the land of Robert Speer; thence running East 215 feet and 6 inches to the West Boundary of a public road leading South from Alabama Highway No. 69; thence at right angles South along said road a distance of 575.5 feet, more or less, to a point on the North line of the public road running East and West between the Folsom property and the Nix property, being the point of beginning of the lands herein conveyed: thence continuing South 399 feet and 6 inches, more or less, to a point on the South forty line; thence West a distance of 215 feet and 6 inches; thence North 419 feet and 6 inches to the North line of the public road; thence East along the North line of said public road to the point of beginning.

ADDRESS: 119 COUNTY ROAD 701, CULLMAN, ALABAMA 35055.

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 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

Council Member Hollingsworth seconded the motion, and the ordinance was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council Member Cook: Aye. Council President Gudger: Aye. Council President Pro-Tem Folsom: Aye. Council Member Hollingsworth: Aye.

Council President Gudger asked for the City Council and Mayor to consider Board Appointments: None.

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

RESOLUTION NO. 2017 – 19

TO RENEGOTIATE THE CONTRACT WITH LATHAN ASSOCIATES ARCHITECTS PC

WHEREAS, the Cullman City Council approved Resolution No. 2016-52 on February 22nd, 2016 to enter into a contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road;

WHEREAS, the scope of this project has expanded and the total cost of this project has changed;

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to authorize the Mayor to renegotiate the contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to renegotiate the contract with Lathan Associates Architects PC for professional engineering services related to the design and construction of the Street Facility on Mitchell Road in the amount not to exceed \$190,000.

ADOPTED BY THE CITY COUNCIL this the 14th day of November, 2016.

/s/ Garlan E. Gudger, Jr. - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 14th day of November, 2016.

/s/ Woody Jacobs - Mayor

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

Council President Gudger asked for a motion to adjourn. Council Member Cook made a motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:31 p.m. by a voice vote. Ayes: All. Nays: None.