

## **CULLMAN CITY COUNCIL MEETING ON DECEMBER 10<sup>TH</sup>, 2018 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, December 10<sup>th</sup>, 2018. 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 Member David Moss, Council Member Clint Hollingsworth, and Council President Jenny Folsom. Absent: Council President Pro Tem Johnny Cook. Also, present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from November 26<sup>th</sup>, 2018. Council Member Page 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: Absent. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve the minutes from November 26<sup>th</sup>, 2018 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: Absent. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

**REPORTS OF STANDING COMMITTEES** – None.

**ADDITIONS/DELETIONS TO AGENDA** - None.

### **V. REPORTS OF STANDING COMMITTEES**

1. Public Safety (Fire, Police, etc.) - Council Member Andy Page recognized Debra James with a five year service pin.
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 announced that the Cullman Wellness & Aquatics Center is now open 24 hours per day 7 days per week for its members.
5. General Government (Finance, Economic Development, etc.) - Council Member Jenny Folsom – No report

### **REPORT FROM THE MAYOR**

Mayor Woody Jacobs announced that the City of Cullman received a \$14,000,000 build grant for the Highway 157 expansion. He stated that the ALDOT Director said that this project would not have happened without this grant.

**COMMENTS FROM ANYONE NOT ON THE AGENDA** – None.

### **PUBLIC HEARINGS**

Council President Jenny Folsom set the public hearing for Ordinance No. 2019-07 to amend the zoning ordinance for January 14<sup>th</sup>, 2018 at 7:00 p.m. in Cullman City Hall.

**REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER** - None.

### **RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

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

#### **RESOLUTION NO. 2019 – 22**

#### **TO ESTABLISH THE CULLMAN CITY COUNCIL MEETING SCHEDULE FOR CALENDAR YEAR 2019**

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 14 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, July 15 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, January 28 <sup>nd</sup> , 2019 at 7:00 p.m.	Monday, July 22 <sup>nd</sup> , 2019 at 7:00 p.m.
Monday, February 11 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, August 12 <sup>th</sup> , 8at 7:00 p.m.
Monday, February 25 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, August 26 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, March 4 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, September 9 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, March 18 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, September 30 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, April 15 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, October 14 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, April 22 <sup>nd</sup> , 2019 at 7:00 p.m.	Monday, October 28 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, May 13 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, November 4 <sup>th</sup> , 2019 at 7:00 p.m.
Tuesday, May 28 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, November 25 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, June 3 <sup>rd</sup> , 2019 at 7:00 p.m.	Monday, December 9 <sup>th</sup> , 2019 at 7:00 p.m.
Monday, June 24 <sup>th</sup> , 2019 at 7:00 p.m.	Monday, December 16 <sup>th</sup> , 2019 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 10<sup>th</sup> day of December, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 10<sup>th</sup> day of December, 2018.

/s/ Woody Jacobs – Mayor

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

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

**RESOLUTION NO. 2019 – 23**

**TO AWARD BID FOR THE SANITATION FACILITY ON CONVENT ROAD**

WHEREAS, bids were received on November 27<sup>th</sup>, 2018 at 2:00 p.m. for the construction of the Sanitation Facility on Convent Road,

WHEREAS, the following bids were opened:

Excel Contracting, LLC	Cullman, Alabama	No Bid
<b>C.H. Harris, Inc.</b>	<b>Cullman, Alabama</b>	<b>\$349,285.00</b>
Reidco Contracting, Inc.	Vinemont, Alabama	\$375,000.00

WHEREAS, the recommendation from Frank Fagg, the project architect, is to award the bid for the construction of the Sanitation Facility to C.H. Harris, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for the construction of the Sanitation Facility on Convent Road be awarded to C.H. Harris, Inc., the lowest responsible bidder, in the budgeted amount of \$349,285.00.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of December, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 10<sup>th</sup> day of December, 2018.

/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 Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2019 - 24**

This Resolution is made this **10<sup>th</sup> day of December, 2018** (the Effective Date) as an amendment to the resolution made on the **9<sup>th</sup> day of October, 2017** (Abatement Start Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Royal Technologies** (the Company). This resolution is amended to show that **Royal Technologies Corporation** has changed their capital investment figure from **\$14,000,000** to **\$19,173,676**.

WHEREAS, the Company has announced plans for a major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply): all state and local non-educational ad valorem taxes, and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

WHEREAS, the Company has requested that the abatement of state and local non-educational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$19,173,676**; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply): all state and local non-educational ad valorem taxes, and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of December, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 10<sup>th</sup> day of December, 2018.

/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 – 25**

**TO ENTER INTO CONTRACT WITH SAIN ASSOCIATES**

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Sain Associates for professional and engineering services related to traffic and transportation at First Avenue and Second Street SE in the amount not to exceed \$13,600;

NOW THEREFORE, BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into contract with Sain Associates for professional and engineering services related to traffic and transportation at First Avenue and Second Street SE in the amount not to exceed \$13,600.

ADOPTED BY THE CITY COUNCIL this the 10<sup>th</sup> day of December, 2018.

/s/ Jenny Folsom - President of the City Council

ATTEST:

/s/ Wesley M. Moore - City Clerk

APPROVED BY THE MAYOR this the 10<sup>th</sup> day of December, 2018.

/s/ Woody Jacobs – Mayor

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

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

**RESOLUTION NO. 2019 – 25**

**TO ENTER INTO CONTRACT WITH SAIN ASSOCIATES**

WHEREAS, City of Cullman is proposing to apply to ADECA for Land and Water Conservation Fund grant assistance to implement a Nesmith Park Enhancement Project; and

WHEREAS, the City of Cullman intends to make application to the Alabama Department of Economic and Community Affairs for LWCF funding assistance to construct the Nesmith Park Enhancement Project; and

WHEREAS, said programs are limited to funding a maximum of \$350,000.00 of the proposed project construction cost estimated at \$1,175,000.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will commit to provide \$825,000 in local matching funds in the form of cash and in-kind services, as well all cost associated with engineering design and administrative services for the purpose of implementing the City's Land and Water Conservation Fund Grant Project, and

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City of Cullman understands that it will sign assurance to comply with all applicable Federal and State Law, rules and regulations.

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

**BOARD APPOINTMENTS - None**

Council President Folsom asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council Member Moss seconded the motion and the meeting was adjourned at 7:16 p.m. by a voice vote. Ayes: All. Nays: None.