

CULLMAN CITY COUNCIL MEETING ON APRIL 15, 2019 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:03 o'clock p.m. on Monday, April 15, 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 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 March 18, 2019. Council Member Page made a motion to suspend the rules to consider the minutes. Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. President Pro Tem Cook made a motion to approve the minutes from March 18, 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 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, along with Police Chief Kenny Culpepper and Assistant Police Chief Craig Montgomery promoted Officer Gene Bates from Lieutenant to Captain, and promoted Officer Todd Chiaranda from Sergeant to Lieutenant.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – No report.
4. Tourism (Parks and Recreation, Airport, etc.) – Chairman Clint Hollingsworth recommended the Venture magazine by Cullman Parks and Recreation. Park and Recreation Director Nathan Anderson shared that the Strawberry Fest will be celebrating its 80th year, the MLF fishing tournament with great outdoor activities, and the Annual Dinner on First fundraiser will be coming up soon. City Clerk Wesley Moore announced that the City of Cullman will be hosting the 1A-3A State Track Meet during the first weekend in May.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom – No report.

REPORT FROM THE MAYOR - None

COMMENTS FROM ANYONE NOT ON THE AGENDA - None

PUBLIC HEARINGS

Council President Folsom called the public hearing to order at 7:11pm for the rezoning of property located on Main Avenue SW and Morningside Drive SW from R-2 Residential District to R-4 Residential District.

Speaking for the rezoning was Mrs. Wendy Childers, 403 4th Ave SW, representing the Jochum and Roden families. Mrs. Childers also submitted a document signed by a number of local realtors who are in favor of the rezoning, but were not present at the meeting. The document is addressed to the Honorable Mayor Woody Jacobs and the Cullman City Council, and reads: *As a Realtor in the City of Cullman, I can honestly say that our city and surrounding communities need more affordable housing. Including rental property. Someone calls our office daily searching for ANY available rental property. While we know plans can certainly change the proposed development as we know it may change, we are comfortable with the information we have and feel it is in the best interest for our area and city for the property near Morningside Drive to be rezoned R-4. We welcome any new construction offered in our area to accommodate the needs of businesses and employees. Realtors of Cullman Co. who support this rezoning:*

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| 1. Amy Martinez, Cullman Elite Realty | 19. Clay Culpepper |
| 2. Jaime Martinez, Cullman Elite Realty | 20. Doris Mead, NuVision Real Estate |
| 3. Rita Fromhold, Cullman Elite Realty | 21. Crystal Parker, NuVision Real Estate |
| 4. Rita Tucker | 22. Kristie Griggs, NuVision Real Estate |
| 5. Jan King | 23. Katrina Tankersley, NuVision Real Estate |
| 6. Rhonda Hagemore | 24. Shane Rusk, NuVision Real Estate |
| 7. Julie Cofer | 25. Jerry Gray, BJC |
| 8. Lesia Van Gundy | 26. Becky Gray, BJC |
| 9. Chris Futvoye | 27. Pam Walker, Weichert Realtors |
| 10. Susan Phillips | 28. Chris Holmes, Weichert Realtors |
| 11. D (name illegible) | 29. JC Williamson, Weichert Realtors |
| 12. Rachel Hicks | 30. Lindsey Ray, Weichert Realtors |
| 13. Michelle (name illegible) | 31. Wendy Childers, Weichert – Carter |
| 14. Monica Williams | 32. Carole B. King, BJC |
| 15. S. B. (name illegible) | 33. Mandi Lynn, BJC |
| 16. Betty Dover, Bryant Real Estate | 34. Kelly Keel, Legacy |
| 17. Stephanie Childers, Weichert Realty | 35. Debra Scott, Legacy |
| 18. Becky Flack, CRE | 36. J. W. |

Mrs. Childers submitted a second document signed by a number of Cullman residents who are in favor of the rezoning but were not present at the meeting. The document is addressed to the Honorable Mayor Woody Jacobs and the Cullman City Council, and reads: *As a resident of Cullman, I can honestly say that our city and surrounding communities need more affordable housing. Including rental property. While we know plans can certainly change the proposed development as we know it may change, we are comfortable with the information we have and feel it is in the best interest for our area and city for the property near Morningside Drive to be rezoned R-4. We welcome any new construction offered in our area to accommodate the needs of businesses and employees.*

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| 1. R. M. - Eva Bank (name illegible) | 16. Robert Malone |
| 2. Chastity Robertson - Eva Bank | 17. Nortricia Starnes – Peoples Bank of Alabama |
| 3. Brandy Smith – Eva Bank | 18. Nikki Whaley |
| 4. Weston Martinez – Cullman Elite Realty | 19. Shawnah Denney |
| 5. Callie Schaefer – Reli | 20. Kendra Taylor – Peoples Bank of Alabama |
| 6. Alicia Shuford – Reli | 21. Brian Williams |
| 7. Jeanne Kelley – 1st Federal | 22. Parker Black |
| 8. Lindsay McCroy – 1st Federal | 23. Melissa Williams (name illegible) |
| 9. Eddy Tankersley | 24. Reba Williams |
| 10. Pat Moody – The Mortgage Center | 25. Adam Ray |
| 11. Kelly Coffey – Willow Bend Mortgage | 26. Nicholas Eddy |
| 12. Brandon Snider – Willow Bend Mortgage | 27. Randi Thomas – The Mortgage Center |
| 13. Ethan Ponder – Willow Bend Mortgage | 28. C. S. - (name illegible) |
| 14. Jessica Lee – Willow Bend Mortgage | 29. Ginny Schaefer – Legacy Realty |
| 15. Crystal Stone | 30. Josh Phillips - Gateway Mortgage |

Mr. Josh Mandell, Gateway Development Co. in Birmingham, Alabama, also spoke in favor of the proposed rezoning. Mr. Mandell shared information regarding the type and caliber of apartment complex planned for the site. Gateway Development Company is a 35 year old company based in Alabama who develop and manage the community development. An attractive, quality complex is planned with amenities such as a club house, fitness center, cyber rooms, coffee rooms, etc. The economic impact is approximately \$25 million for this project, resulting in hundreds of direct and indirect jobs associated with this project.

Attorney Bert Boykin spoke against the rezoning on behalf of Linda and Leonard Romine. The following narrative was read aloud at the public hearing and was submitted by Mr. Boykin: *My name is Bert Boykin and I represent Linda and Leonard Romine. They reside at 1224 Morningside Drive Southwest. My clients are here today to state their opposition to the proposed rezoning of the property at issue from R-2 to R-4. First, it is important that we address, and give some context to, the Planning and Zoning Commission's favorable recommendation of this rezoning request. At multiple times during that hearing, Chairman Voss made it a point to state that the Planning Commission's only evaluation was whether the requested rezoning was permissible under the ordinance. Chairman Voss specifically stated that the Commission did not have the ability to evaluate the impact of the rezoning nor community's concerns for the project and that we should be prepared to bring to the City Council. The stated reason given by the Planning Commission for their favorable recommendation was simply there is an adjacent R-4 property, therefore the property in question is eligible to be rezoned. There was no presentation made by the applications that provided details or justification for rezoning of the property. The Planning Commission did not perform any evaluation of the merits or impact of the proposed rezoning, but just an administrative box checking review. As you can see, your fellow residents are here again in opposition as they have been for every hearing spanning over six months and three different rezoning applications for this single project. We are asking for you to provide these residents protection by upholding the current zoning in this low-density residential area. The Cullman zoning code and map are important tools for this community in addressing the clash of development with existing homes and neighborhoods. These resources support you and assist in making balanced and reasoned decisions on rezoning applications. The language contained in Section 62-123 of the Cullman Zoning Ordinance, which covers R-2 Single Family Residences speaks directly to this request. It states, "The purpose of the R-2 Single Family Residences district is to provide for the protection of existing single-family residential areas and the development of new areas at a low population density." This clear and compelling language is the essence of the neighborhood's opposition to the rezoning before you. R-4 is the highest density and most expansive residential zoning classification under Cullman's zoning Ordinance. Section 62-130 that details the R-4 zoning classification states "The purpose of R-4 Single Family and Multifamily Residence District is to provide for the protection of existing single-family residential areas and the development of new areas at a medium to high population density." The language of Cullman's Ordinance shows an intent to avoid sporadic zoning and instead to develop and maintain independent zones that are appropriate for their respective density levels. The proposed rezoning is in direct conflict with this purpose. Ordinance 2019-07 details the recent change to the R-4 zoning code that allows item (8) "multi-family dwellings of four or more units." This Ordinance allows the development of high-density dwellings, such as apartments, in R-4 as an unconditional permitted use. This brand-new language that was added while this very case has been on-going, is extremely vague and allows little to no restrictions for the most high-density residential projects. As you see items (2) and (4), townhouses and condominiums have subsections that place restrictions on lot size, dwelling numbers, setbacks, parking, buffer strips, street width, and sidewalks. According to the ordinance as updated, high-density projects such as apartments would not have the level of zoning restrictions placed on the less intensive projects in the same classification. As you can see on the January 2019 City of Cullman Zoning Map and the Google Earth Satellite Images that I provided, the proposed rezoning is inconsistent with the area. The City has maintained a consistent R-2 zoning in this low-density residential neighborhood. Allowing a high-density development would disrupt the largely constant zoning that provides stability and protection to homeowners. The proposed rezoning to R-4 brings significant concerns for increased traffic on main and a total over whelming of Morningside Drive. Further, a multi-story building that directly abuts single-family residences creates an oil and water situation. A multi-level building compromises privacy, sunlight and the visual quality of the neighborhood. The adjacent R-4 property, known by many in the community as the "Burrow Property," is the lone zoning*

oddity in the area. It is located at 1831 Main Avenue Southwest, and the current owner is Exit 310, LLC. This property was rezoned in 2014. Had they been provided notice of that rezoning, many of the same residents before you tonight would have stated their opposition to that project as well. As stated before, the Planning Commission used the R-4 zoning of the Burrow Property as the sole criteria for their favorable recommendation before you tonight. The Burrow property does not abut an R-4 parcel, which begs the question what justification was given for that property being rezoned. That issue is not before the Council tonight, but it is important to note that this zoning irregularity should not justify the approval of the application at hand. The current rezoning request is much more egregious as it directly abuts and encroaches on a low-density neighborhood. The property at issue spans approximately 1,322 feet of Morningside Drive Southwest. In the third and fourth pages of the packet that I provided, you will see a Google Earth Street View images of Morningside Drive. As you can tell this is a narrow road without striped lanes. Morningside cannot accommodate a high-density development. Current children play and residents walk on Morningside Drive. The traffic that would come from a high-density project would create a dangerous situation and greatly diminish the quality of life of the neighborhood. The current application to rezone this property is a classic example of speculative zoning. The application identifies the requesting parties as "Roden/Jochum." Attached to the application are marked maps, there are no site or building plans. Before tonight, no one has made a presentation to the Commission detailing the plans for this development or why this rezoning is needed. As you know this request has been before you and the Planning Commission on multiple occasions, yet no one let the community or City Officials know exactly what is going to happen if approved. I am here to give you my opinion that this by design. Give all of us as little information as possible and then on the evening of the final vote make an attempt to rush this to the finish line. Considering this, the neighborhood can only rely on what they have been told or heard outside of the official process. It is our understanding that the property is not going to be developed by the current applicants, but rather another entity that has an agreement with your applicants. As everyone is aware real estate deals especially large-scale projects, fail for a multitude of reasons. But once this property is rezoned, it is rezoned forever. Speculative zoning keeps the City Officials and the public in the dark about the true plans of a development. Many municipalities in Alabama do not allow speculative zoning for these reasons. This application is asking for a significant density increase that will harm an existing single-family neighborhood and overwhelm the current city infrastructure. We are asking the City Council to stand with the residents of your community that have been a constant voice of opposition and reason against this development. Please vote to not approve the rezoning application before you tonight. While development of high-density projects for future residents is an understandable goal, it cannot come at the expense of your current residents. Maintaining livability in Cullman's single-family residential areas is critically important. There are more appropriate parts of town for high-density developments. The proposal before you is not just a disruption to the zoning and stated purpose of the R-2 and R-4 ordinances, but it is also placing a high density directly adjacent to a single-family neighborhood. Development of this property should be done with within its present R-2 zoning. A decision to rezone this property would show a disregard for the current tool of zoning and would set a chaotic precedent for the future of Cullman. Your job will become immensely harder if you do not have solid and meaningful zoning to fall back on when making decisions. Sporadic zoning defeats the purpose of zoning all together. We all have witnessed the general life span of apartment complexes, in this community and others. They are built, sold and sold again. As they age the appearance and the quality of the structure begins to suffer. The surrounding single-family neighborhood is pulled under as the complex ages. The decision you make tonight will be felt for decades to come. Please do not let the short-term satisfaction of new development outweigh the long-term negative effects on your community and this neighborhood. Please stand with your fellow residents and vote no. Thank you very much for your time.

Mr. Leonard Romine, 1224 Morningside Drive SW, spoke against the rezoning. Mr. Romine read and submitted the following narrative, asking it be included in the minutes: *In August of 1979 we purchased our house on Morningside Drive we have lived there since November of that year. We raised our family there and have made this our home. We have added onto our house three times with the intentions of retiring here and living out our lives in what we thought would be the quite neighborhood we have always known. This past weekend my wife and I rode around and looked at apartments from a list we had made. This is by no means a complete list but I don't think the percentages will change. Out of 1,669 apartments 1,420 were on the west side of Cullman or 85% and 249 were on the east side or 15%. This was using Hwy 31 as the dividing line of west and east. If the Railroad is used there is another 72 moves from the east side to the west side making the percentage 89.4% to 10.6%. There are 170 Public Housing units; all of these are on the west side. There were a few on the east side until April 27th 2011 and they were destroyed in the Tornado and were never rebuilt. (Why?) As we looked several apartments complexes many blue dumpsters several with couches TV's and other household items. This is what we can look forward to the sound of the garbage trucks emptying these probably at 5:00AM. This is typical of the areas around apartments. We also observed cars on jacks and no tires I'm not sure if any of these were functional. This following statement is from Wikipedia on zoning: The primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning also is used to prevent new development from interfering with existing uses and/or to preserve the "character" of a community. This is exactly my argument, with the development of multilevel high density apartments will change the character of our neighborhood that now exists. Mayor Jacobs has mentioned three times about the City being sued over zoning issues I don't believe the issues in the previous case has anything related to this. But I think that it is worthy to note that the city of Tuscaloosa has a law suit against them in a case very similar to this situation of "Spot Zoning"! "Smith's case claims that the City Council's rezoning of a 5.61-acre tract of Springbrook last year constitutes illegal "spot zoning" under Alabama law and "was done in a fatally deficient manner, both from a procedural standpoint and a substantive standpoint." Developers haven't said what they have planned for the property, which was zoned as residential until the council agreed to allow retail, restaurant or offices after a contentious debate last year. The lawsuit also claims that the rezoning has devalued Smith's property in Springbrook, where she has lived since 1989, while violating the current District 7 Master Plan for the area. (Does the City of Cullman have a Master Plan? When was it developed?) The bottom line is that I don't think anyone sitting on this Council living in a Residential Single Family Neighborhood would vote for this if it was being built across from their house or their parents' house. I respectfully ask you to NOT REZONE THIS PROPERTY AND LEAVE IT AS R2!*

Mrs. Linda Romine, 1224 Morningside Drive SW, spoke against the rezoning. Mrs. Romine read and submitted the following narrative, asking it be included in the minutes: *April 15, 2018, Mayor Jacobs and City Council Members, I am before you tonight to protect my home on Morningside Drive that overlooks the Roden property and my neighborhood I have lived in for 40 years. As I understand if Main and*

Morningside is rezoned from R-2 to R-4 by this City Council, the intended propose of the rezoning will be to build a high density, multi-story apartment complex. I have a petition signed by 153 residents of my neighborhood who are opposed to the rezoning of Main and Morningside. I will leave this petition, along with the outline of my comments, with Mr. Moore to be entered into the record. The intended purpose of this rezoning has not been made public by the land owners or Exit 310 LLC the proposed buyers of this property. There have been many opportunities for either of these entities to make their plans know before the Planning and Zoning Committee and once before the City Council for the intent of this land in our neighborhood. None of which has been done. To our knowledge, there are no conceptual drawings or proposals for development of this land if you rezone it to R-4. It is of grave concern that once rezoned to R-4 we will have no protection from development of this land within the R-4 Code. You were elected as Mayor and City Council members to protect us. Directly abutting a single family neighborhood with an R-4 development defeats the entire purpose of zoning. High Density zoning code R-4 buildings are in no way compatible with our adjacent neighborhood. If you vote to rezone this property you will be showing your lack of consideration and protection of living conditions in any exiting R-2 neighborhood within our city. Many safety issues exist with R-4 developments such as traffic, parking vehicles, crime, safety of our children and elderly to name a few. This City Council has already approved the development of a new multi- purpose sporting event center on Main two blocks from our neighborhood. This will draw more traffic on Main than already exist. Main will not be able to support the increase in traffic with another large development of apartments. Even the proposed paving Mayor Jacobs refers to will not solve this problem. Main will still be overrun with traffic just no pot holes for a few years. Mayor Jacobs also refers to a lawsuit in which the city was sued for six figures and lost. Our neighborhood supports development of this property in question tonight within the R-2 zoning code. Canterbury Gardens is an example of the type development that could be brought into the neighborhood without a negative impact upon the current neighbors. There is no need to rezone this property in order to develop it because the R-2 code already allows for development of the Roden property. I want to be clear that my issue has never been about income or homeowners verse apartment dwellers like some have tried to make it the issue. My issue is the protection of existing neighborhoods within the zoning code. The location is just wrong for apartments because it is too close to an existing fully developed neighborhood. We have been fighting for our neighborhood for 7 1/2 months, with many hearings before the Planning and Zoning board and once before the City council. Mr. Voss stated they had to forward this rezoning request to the City Council because it meets the requirements. He also stated several times we needed to bring our concerns to the City Council. We are here tonight doing just that. The question is will our elected Officials consider and protect its existing citizens and neighborhoods by leaving the current zoning code of R-2 or is a large development of apartments of more important. I ask that you vote no to rezoning Main and Morningside in order to provide protection to our neighborhood. I request that my comments be entered into the record. Linda Romine

Mrs. Romine also submitted the following document and signatures from area property owners:

We the owners and residents of Morningside Dr. SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr. SW:

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| 1. Heather Creel, 1015 Morningside Dr SW | 13. Ginger Huffstutler, 1305 Morningside Dr SW |
| 2. Larry Schultz, 1019 Morningside Dr SW | 14. Hannah R Huffstutler, 1305 Morningside Dr SW |
| 3. Carol Shultz, 1019 Morningside Dr SW | 15. James Jordan, 1307 Morningside Dr SW |
| 4. Gertis Williams, 1203 Morningside Dr SW | 16. Donna Jordan, 1307 Morningside Dr SW |
| 5. Michael Williams, 1203 Morningside Dr SW | 17. Melba L Chandler, 1309 Morningside Dr SW |
| 6. Curtis Barnett, 1207 Morningside Dr SW | 18. Pam Cherry, 1321 Morningside Dr SW |
| 7. Mary Barnett, 1207 Morningside Dr SW | 19. Greg Cherry, 1321 Morningside Dr SW |
| 8. Jeffrey D Harper, 1211 Morningside Dr SW | 20. Ray Wilson, 1400 Olive St SW |
| 9. Joseph Wayne Brannon, 1215 Morningside Dr SW | 21. Sharon Wilson, 1400 Olive St SW |
| 10. Leonard Romine, 1224 Morningside Dr SW | 22. Rabon Early, 1300 Olive St SW |
| 11. Linda Romine, 1224 Morningside Dr SW | 23. Lawana Early, 1300 Olive St SW |
| 12. Harold Huffstutler, 1305 Morningside Dr SW | |

We the owners and residents of Sheraton Rd SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr SW:

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| 24. Sam Scott, 1012 Sheraton Rd SW | 39. Judith Garrison, 1207 Sheraton Rd SW |
| 25. Brenda Scott, 1012 Sheraton Rd SW | 40. Stephanie Coffey, 1209 Sheraton Rd SW |
| 26. Gregory Murray, 1018 Sheraton Road SW | 41. Daniel Cabri, 1215 Sheraton Rd SE |
| 27. Melanie Murray, 1018 Sheraton Rd SW | 42. Tera Cabri, 1215 Sheraton Rd SE |
| 28. Ray G Screws, 1011 Sheraton Rd SW | 43. Sandra Means, 1810 Sheraton Rd SW |
| 29. Teresa Screws, 1011 Sheraton Rd SW | 44. Christopher Lambert, 1223 Sheraton Rd SW |
| 30. Harold Smallwood, 10145 Sheraton Rd SW | 45. Kelly Dawn Lambert, 1223 Sheraton Rd SW |
| 31. Mary Dean Lamar, 1210 Sheraton Rd SW | 46. Jared Roberts, 1312 Sheraton Rd SW |
| 32. Mary Mitchell, 1216 Sheraton Rd SW | 47. Tracy Roberts, 1312 Sheraton Rd SW |
| 33. Clifford Mitchell, 1216 Sheraton Rd SW | 48. Jannie Ratliff (Barnes), 1318 Sheraton Rd SW |
| 34. Eric Campbell, 1216 Sheraton Rd SW | 49. Earnest Wright, 1301 Olive St SW |
| 35. Denise Campbell, 1219 Sheraton Rd SW | 50. Glenda Wright, 1301 Olive St SW |
| 36. Jerrel Smith, 1203 Sheraton Rd SW | 51. Otto Boesswetter, 1120 Olive St SW |
| 37. Gail Smith, 1203 Sheraton Rd SW | 52. Melissa Rehna Boesswetter, 1120 Olive St SW |
| 38. Lowell Garrison, Jr., 1207 Sheraton Rd SW | |

We the owners and residents of Kensington Circle SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr SW

53. William Riddle, Lot 13 1724 Kensington Cir SW
54. Byron Parker, Lot 14 1722 Kensington Circle SW
55. Brunease S Parker, Lot 14 1722 Kensington Circle SW
56. Kevin Binkowski, Lot 15 1720 Kensington Circle
57. Pam Binkowski, Lot 15 1720 Kensington Circle
58. L. Perry Tucker, Lot 16 1715 Kensington Circle
59. Alpharetta Tucker, Lot 16 1718 Kensington Cir SW
60. Geraldine Cooper, Lot 17 1716 Kensington Cir SW
61. Samuel B Guy, Lot 18 1714 Kensington Circle SW

62. Peggy J Guy, Lot 18 1712 Kensington Circle SW
63. Trueman Davis, Lot 20 1710 Kensington Circle
64. Kathryn W James, Lot 21
65. Jackie Underwood, Lot 22 1706 Kensington Cir SW
66. David Allen Howse, Lot 23 1704 Kensington Cir SW
67. Marye L Howse, Lot 23 Kensington Circle SW
68. Neal Lindsey, Lot 24 1724 Kensington Circle
69. Vanessa Lindsey, Lot 24 Kensington Circle
70. Carrie Schaffer, Lot 25 1700 Kensington Circle SW

We the owners and residents of Blandenburg St and Greenbrier Dr SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr SW:

71. Katie Knop, 1413 Blandenburg Street SW
72. Charick Knop, 1413 Blandenburg Street SW
73. Lauren Smith, 1409 Blandenburg
74. Jefferson Herring, 1405 Blandenburg Dr SW
75. Shelby Herring, 1405 Blandenburg Dr SW
76. Wayne Moore, 1750 Greenbrier Dr SW
77. Shirley Moore, 1750 Greenbrier Dr SW
78. Vince Freeman, 1746 Greenbrier Dr SW
79. Melissa Freeman, 1746 Greenbrier Dr SW
80. Chayse Freeman, 1746 Greenbrier Dr SW

81. Colben Freeman, 1746 Greenbrier Dr SW
82. Jerry Johnson, 1738 Greenbrier Dr SW
83. Robyn Johnson, 1738 Greenbrier Dr SW
84. Rodney Kinney, 1712 Greenbrier Dr SW
85. Rodney Kinney, 1712 Greenbrier Dr SW
86. Steve Vinson, 1701 Greenbrier Dr SW
87. Elizabeth Vinson, 1701 Greenbrier Dr SW
88. John Watwood, 1650 Greenbrier Dr SW
89. Cathy Watwood, 1650 Greenbrier Dr SW
90. Dorothy Waldrop, 1420 Linwood Dr SW

We the owners and residents of Crestview Dr SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr. SW:

91. Ray Brown, 1750 Crestview Dr SW
92. Brenda Brown, 1750 Crestview Dr SW
93. Patricia Ann Scott, 1743 Crestview Dr SW
94. Carrie Winfield, 1738 Crestview Dr SW
95. Victor Norris, 1734 Crestview Dr SW
96. Alison Norris, 1734 Crestview Dr SW
97. Walter Schafer, Jr., 1725 Crestview Dr SW
98. DeAnn Schafer, 1725 Crestview Dr SW

99. Wynnell Brown, 1751 Crestview Dr SW
100. Mike Puckett, 1718 Crestview Dr SW
101. Sabrina Puckett, 1718 Crestview Dr SW
102. Ricky Cornelius, 1714 Crestview Dr SW
103. Brenda Cornelius, 1714 Crestview Dr SW
104. Kay Thomas, 1742 Crestview Dr SW
105. Carla Graham, 1746 Crestview Dr SW

We the owners and residents of Wellington Circle SW petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr. SW:

106. Arnold Sanford, Lot 1 1701 Wellington Cir SW
107. Vera Nell Sanford, Lot 1 1701 Wellington Circle SW
108. Bobby Proctor, Lot 2 1703 Wellington Cir SW
109. Louise Proctor, Lot 2 1703 Wellington Circle SW
110. Sidney Borden, Lot 3 1705 Wellington Circle SW
111. Betty Borden, Lot 3 1705 Wellington Circle SW
112. Billy Ray Umphrey, Lot 5
113. Helen Umphrey, Lot 5
114. L. Perry Tucker, Lot 6
115. Alpharetta N Tucker, Lot 6

116. Joe Brown, Lot 7 1713 Wellington Circle SW
117. Connie Brown, Lot 7 1713 Wellington Circle SW
118. L. Perry Tucker, Lot 8
119. Alpharetta Tucker, Lot 8
120. Wanda Sue Craig, Lot 10 1719 Wellington Circle SW
121. Jerry Willibey, Lot 11 1721 Wellington Circle
122. Avalene Willibey, Lot 11 1721 Wellington Circle SW
123. Billy Ray Umphrey, Lot 12 1723 Wellington Circle SW
124. Helen Umphrey, Lot 12 1723 Wellington Circle SW

We the owners and residents petition the Zoning Board not to recommend the rezoning of the property on the south side of Morningside Dr. SW:

125. K. W. (Illegible signature), 1209 Sheraton Road
126. Patsy Mickle, 1407 Linwood Dr SW
127. Ralph A Bailey, 1403 Linwood Dr SW
128. Faye Bailey, 1403 Linwood Dr SW
129. Charlie Youmans, 1401 Linwood Dr SW
130. Amy Glimpse, 1400 Florence St SW
131. William White, 1406 Florence St SW
132. Vanda Antaillia, 1414 Florence St SW
133. Richard M. Antaillia, 1414 Florence St SW
134. Bill Morris, 686 Sheraton Rd SW
135. Judy Morris, 683 Sheraton Rd SW
136. Shannon Griffin, 1637 Greenbrier Dr SW
137. Jane R Frutiger, 1635 Greenbrier Dr SW
138. Jonathan Frutiger, 1635 Greenbrier Dr SW

139. K. C. (illegible signature), 1609 Greenbrier Dr SW
140. Frank Taylor, 1615 Denson Ave SW
141. Teresa Schlosser, 1618 Denson Ave SW
142. William S Bailey, 1620 Denson Ave SW
143. Sharon Bailey, 1620 Denson Ave SW
144. Josh Conn, 1624 Denson Ave SW
145. Carolina Conn, 1624 Denson Ave SW
146. Glenda Burch, 1601 Denson Ave SW
147. Andrew Tetro, 1607 Denson Ave SW
148. Charlotte Tetro, 1607 Denson Ave SW
149. David Gandy, 1116 James St SW
150. Holly Lewitas, 1108 James St SW
151. Carol Adair, 1729 Crestview Dr SW
152. Allen Adair, 1729 Crestview Dr SW

Mr. James Jordan, 1307 Morningside Drive SW, spoke against the rezoning.
Mr. Jeff Harper, 1211 Morningside Drive SW, spoke against the rezoning.
Mr. Ernest Wright, 1301 Olive Street SW, spoke against the rezoning.
Mrs. Carol Shultz, 1019 Morningside Drive SW, spoke against the rezoning.
Mrs. Donna Jordan, 1307 Morningside Drive SW, spoke against the rezoning.

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

Council Member Moss made a motion to grant special event request from Nathan Baugh of Rock the South LLC to hold 2019 Rock the South Music Festival at 1872 County Road 469 beginning on May 31st, 2019 and ending June 1st, 2019 with the following contingencies: 1) The County receive and approve the bond for the roads by May 25, 2019; 2) Receive final approval by the State Fire Marshal; 3) A final and acceptable plan for the parking areas is presented by April 22, 2019. Council Member Page seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page made a motion to approve special event request from Ron Pierce of Downtown Merchants Association to hold the annual Downtown Festivals for 2019 starting in June and ending in September. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to approve request from Judith Caples of "A Touch of German" to hold a 40th Year Anniversary Event around their business on August 9th, 2019. Council Member Hollingsworth 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 – 49

TO AUTHORIZE CHANGE ORDER NO. 3 FOR CARCEL AND G CONSTRUCTION, LLC

WHEREAS, the Cullman City Council awarded the bid for Cullman Streetscape Phase IV to rehabilitate and construct new handicapped accessible sidewalks in Downtown Cullman along U.S. Highway 31 from 5th Street South to 7th Street South to Carcel and G Construction, LLC in the amount of \$418,558.00;

WHEREAS, the Cullman City Council approved Change Order No. 1, recommended by CDG Engineers & Associates, in the amount of \$6,975.73 to Carcel and G Construction, LLC on April 24th, 2017 increasing the total cost of the contract to \$425,533.73;

WHEREAS, the Cullman City Council approved Change Order No. 2, recommended by CDG Engineers & Associates, in the amount of \$7,605.83 to Carcel and G Construction, LLC on February 26th, 2018 increasing the total cost of the contract to \$433,139.56;

WHEREAS, CDG Engineers & Associates has recommended that Change Order No. 3 be approved which will increase the total cost of the project by \$1,329.90 due to increases in the quantities of materials needed for the project;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 3 which will increase the total cost of the contract with Carcel and G Construction, LLC to \$434,469.46.

ADOPTED BY THE CITY COUNCIL this the 15th day of April, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 15th day of April, 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 Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 50

TO AWARD BID FOR A DOUBLE DRUM ASPHALT ROLLER

WHEREAS, bids were received on April 11th, 2019 at 2:00 p.m. for a double drum asphalt roller,

WHEREAS, the following bids were opened:

Cowin Equipment Company, Inc.	Huntsville, Alabama	\$66,796.00
Thompson Tractor Company, Inc.	Birmingham, Alabama	No Bid
Tractor Equipment Company, Inc.	Birmingham, Alabama	No Bid

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for a double drum asphalt roller to Cowin Equipment Company, Inc., the lowest responsible bidder, in the budgeted amount not to exceed \$66,796.00.

BE IT RESOLVED by the Cullman City Council that the bid for a double drum asphalt roller for the Street Department be awarded to Cowin Equipment Company, Inc., the lowest responsible bidder, in the budgeted amount not to exceed \$66,796.00.

ADOPTED BY THE CITY COUNCIL this the 15th day of April, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 15th day of April, 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 – 51
TO AWARD BID FOR A SWEEPER BROOM**

WHEREAS, bids were received on April 11th, 2019 at 2:00 p.m. for a sweeper broom,

WHEREAS, the following bids were opened:

AK Rentals	Cullman, Alabama	\$35,888.00
Cowin Equipment Company, Inc.	Huntsville, Alabama	\$34,823.00

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for a sweeper broom to AK Rentals, considering the five percent local preference, in the budgeted amount not to exceed \$35,888.00.

BE IT RESOLVED by the Cullman City Council that the bid for a sweeper broom for the Street Department be awarded to AK Rentals, considering the five percent local preference, in the budgeted amount not to exceed \$35,888.00.

ADOPTED BY THE CITY COUNCIL this the 15th day of April, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 15th day of April, 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 Member Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2019 – 52
TO AWARD BID FOR A CREW TRUCK**

WHEREAS, bids were received on April 11th, 2019 at 2:00 p.m. for a crew truck,

WHEREAS, the following bids were opened:

Eckenrod Ford	Cullman, Alabama	\$38,030.00
Mitch Smith Chevrolet	Cullman, Alabama	No Bid

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for a crew truck to Eckenrod Ford, the lowest responsible bidder, in the budgeted amount not to exceed \$38,030.00.

BE IT RESOLVED by the Cullman City Council that the bid for a crew truck for the Street Department be awarded to Eckenrod Ford, the lowest responsible bidder, in the budgeted amount not to exceed \$38,030.00.

ADOPTED BY THE CITY COUNCIL this the 15th day of April, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 15th day of April, 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 – 53
AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL**

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly for diesel technician, and is incorporated into the Fiscal Year 2018-19 City Budget.

ADOPTED BY THE CITY COUNCIL, this the 15th day of April, 2019.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

APPROVED BY THE MAYOR this the 15th day of April, 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. 2019-11 was introduced 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.

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 22nd day of April, 2019.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 2019.

Mayor

Council President Folsom held the first reading of Ordinance No. 2019-12 was introduced To Annex Certain Properties into the City Limits of the City of Cullman, Alabama.

ORDINANCE NO. 2019 – 12

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 Austin and Natalie Godwin 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: 27575. PARCEL: 09-09-30-0-002-016.000. ADDRESS: 187 County Road 1189.

LEGAL DESCRIPTION: PARCEL 1: From the northwest corner of the SW 1/4 of the NW 1/4 of Section 30, Township 9, Range 3 West, go south along quarter-quarter section line 1521 feet; then go at right angles east 503 feet to point of beginning for land herein conveyed; from said point of beginning continue due east 256 feet; then go due south 46 feet; then go due west 220 feet, more or less, to fence; then go northwest along said fence 48 feet, more or less, to point of beginning, and being a part of the NW 1/4 of the SW 1/4 of Section 30, Township 9, Range 3 West. PARCEL 2: A parcel of land in the SW 1/4 of the NW 1/4 and in the NW 1/4 of the SW 1/4 of Section 30, Township 9, Range 3 West, said parcel being particularly described as follows: From the northwest corner of said SW 1/4 of NW 1/4, go south along the west line of said quarter-quarter section 1234 feet to the point of beginning for the land herein conveyed; from said point of beginning continue south along the quarter-quarter section line 287 feet; then go at right angles east 759 feet; then go at right angles north 287 feet; then go at right angles west 759 feet to the point of beginning. LESS AND EXCEPT: Commencing at the southwest corner of the SW 1/4 of the NW 1/4, Section 30, Township 9 South, Range 3 West; thence N 01°45' W a distance of 88 feet to a point; thence S 86°30' E a distance of 454 feet to a point; thence S 01°45' E a distance of 288 feet to a point; thence N 86°30' W a distance of 454 feet to a point; thence N01°45' W a distance of 200 feet to the true point of beginning. Said land lying and being in the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4, Section 30, Township 9 South, Range 3 West, Cullman County, Alabama. ALSO, a 25 foot road easement commencing at the southwest corner of said property and extending in a westerly direction to the public road as shown on the survey of W. H. Owens, Reg. No. 10564, dated May 19, 1982, which appears of record in Fiche 183, Frame DIO in the Office of the Judge of Probate of Cullman County, Alabama. Subject to road easement as set forth in instrument recorded in Deed Book 357, Page 487 in the Office of the Judge of Probate of Cullman County, Alabama. Source of Title: Fiche 668, Frame D6.

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 22nd day of April, 2019.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 2019.

Mayor

Council President Folsom held the first reading of Ordinance No. 2019-13 was introduced To Annex Certain Properties into the City Limits of the City of Cullman, Alabama.

ORDINANCE NO. 2019 – 13

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 Ryan and Heather Lee 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: 37495. PARCEL: 22-01-02-0-000-006.002. ADDRESS: 115 County Road 483.

LEGAL DESCRIPTION: All that part of the SW 1/4 - NW 1/4 of Section 2 Township 11 South, Range 3 West, and more particularly described as: Beginning at the N.W. corner of the S.W. 1/4 of S.W. 1/4 of said Section 2; thence N 1°51'E 1514.75 feet; thence due East 25 feet to a point on the East right of way of Golf Course road; thence N 1°51'E along said right of way 390.26 feet to the point of intersection of the East right of way of Golf Course Road and the North right of way of Botcher Road; thence along said north right of way by the following bearings and distances: S89° 59'E 352.8 feet; thence S 82° 09' E 82.8 feet; thence S 72° 34' E 195.3 feet; thence S 81° 34' E 277.64 feet to a point; thence N 1° 51' E 224.72 feet; thence due west 900 feet to the East right of way of Golf Course Road; thence S 1°51'W along said right of way 123.74 feet to the true point of beginning and containing 3.5 acres, more or less. Source of Title: Fiche 485, Frame D14.

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 22nd day of April, 2019.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 2019.

Mayor

Council President Folsom asked for Board Appointments, but there were none.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn at 8:00 p.m. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.