

CULLMAN CITY COUNCIL MEETING ON APRIL 22, 2019 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:01 o'clock p.m. on Monday, April 22, 2019. Fire Chief Brian Bradberry presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, Council President Pro Tem Johnny Cook, Council Member David Moss, Council Member Clint Hollingsworth and Council President Jenny Folsom. Also present were City Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from April 15th, 2019. President Pro Tem Johnny Cook made a motion to suspend the rules to consider the minutes. Council Member Moss seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. President Pro Tem Cook made a motion to approve the minutes from April 15th, 2019 as written. Council Member Page seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA - None

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page and Fire Chief Bradberry presented the cardiac monitor's Zoll Award, which is awarded to those who demonstrate commitment to saving lives through operational efficiency, to firefighters EMT/ Lieutenant Keith Bates, EMT/Engineer Jason Daniel, Paramedic/Engineer Chris Edwards, EMT/Firefighter Hunter Patterson and Advanced EMT/Engineer Jonathan Wilson of the "B" shift crew from Station 2, for responding to a scene in September 2018 where a life was saved because of their training, acting as a team and proper use of a defibrillator.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – None
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth asks Park and Recreation Director Nathan Anderson to share upcoming events. Director Anderson announced the Nitty Gritty Dirt Band will be the headlining band at the Strawberry Fest this year. The MLF fishing tournament the following week with the Outdoor Expo and Meet the Anglers events.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom – No report.

REPORT FROM THE MAYOR – None

COMMENTS FROM ANYONE NOT ON THE AGENDA

Eddie Canaday, 605 8th Street SE, Eddie Canaday, 605 8th St. S.E.

My comments are about the rezoning request of West Main and Morningside. I am one of many of the beneficial owners of the lot next to this lot that is already zoned R-4. I will be a part of the development team of this site going forward if the city council rezones this property. I have attended the planning commission and city council meetings regarding this request. I have listened closely to all of the adjoining neighbors' concerns. Additionally, I have met privately with Leonard and Linda Romine about their concerns and have had multiple conversations with many others. I appreciate the opportunity tonight to address most of the neighbors' comments and concerns. When my group developed the Walmart property north of Cullman many years ago, like this property, the adjoining neighbors had concerns about many of the same issues and of course the big question, how is this development going to impact my neighborhood and our quality of life. They were concerned about storm water run-off, adjoining properties tended to flood during big rains. They were concerned about the impacts of the additional traffic on St. Joseph's street. They characterized this street as one with already too much traffic and more development of this adjoining tract would make this problem even worse. They were concerned about the buffer between their neighborhood and this to be developed property. Years later, because of the way the site was developed, storm water is retained on our site and the runoff to neighboring properties has been dramatically reduced. The improvements that were made to St. Joseph's street, adding deceleration lanes, additional turn lanes by widening the access onto highway 157 and enhancing the traffic light has made the additional traffic flow more safely and efficiently. We built sidewalks along our development enhancing the safety of pedestrian traffic. We built a berm and planted Leland cypresses to develop an aesthetically pleasing buffer. Basically all of their fears have not

materialized and we believe their values have been enhanced with the development and the added convenience from the nearness of the new retail. We have heard multiple times from various members of the community, that the neighbors have said that our group did everything we said we would and more. They were all pleased that we addressed all of their concerns and exceeded their expectations. Let me address why we are here tonight. After many years of hearing community and industry leaders discuss the need for nicer multi-family projects convenient to the city. We began to look for a site to do a nice project with amenities that were not available then or currently in developed multi-family housing. One thing that we immediately discovered was that Cullman does not have adequate desirable large tracts of property that are zoned for multifamily to develop the type of projects that our community needs. When we purchased the Burrow property after the property was re-zoned approximately 4 and ½ years ago, we went to work on how to develop this site. While we can develop a nice project on this site, it became apparent to do a development that would contain the amenities and the quality of construction and appeal that we want to deliver and Cullman so desperately needs, additional property would be needed to create the necessary economies to develop an outstanding project. We have held off in hopes to be able to deliver a project that enhances the area, gives young families and others an option for community living found in other communities and satisfy a hurdle that has hurt Cullman in the recruitment of new workers.

To the neighbors: We have heard your concerns and will exceed your expectations. The transition from Morningside drive to our property will be a top priority. We will develop a buffer with Leland Cypresses or other evergreen trees to produce an aesthetically pleasing natural buffer. A traffic study will be done to establish access points for everyone's safety and in the event that we do utilize Morningside in any way, multiple improvements will be made to this street for everyone's benefit. Improvements such as widening of the street, striping, curbs and gutters, and sidewalks will all be part of requirements that go with the development of this property. Some of these improvements will be made even if it is determined access to Morningside is not needed. Neighbors expressed concerns about the growth of Cullman. A community is either growing or it is dying. We are blessed with steady growth. A growing retail base, growing quality of life, amenities such as the aquatic center, Heritage Park, and new dining options are just some of the benefits. We have job opportunities that allow kids of families that have lived here for decades to now have the opportunity to come back and raise their families if they desire. We have had visionary leaders for many years that have led us to where we are today. Sometimes, those decisions were not very popular in the short run, however the proof is in the results and Cullman has benefited greatly from those visionaries. The neighbors expressed concerns about the value of their properties and maintaining their quality of life. We expect this project to add value for this community especially for neighbors in close proximity. Our development team cannot recall a project that has not led to improved values and infrastructure. The housing study commissioned by the Chamber of Commerce approximately 13 months ago was released on March 22, 2019 and presented to the public last week. Here are a few excerpts from the study: *Surveys indicated apartments and other types of rental housing are needed due to perceived predatory [rental] practices of some mobile home landlords and owners. In Cullman, the west side area adjacent to downtown and Highway 278 has lost much of its fabric, with some areas proliferated with vacant land and obsolete housing units. Development concepts could include an emphasis on increasing vertical height to make multifamily development more feasible along with infrastructure improvement that support increased housing densities. When considering what populations need housing the most, the collective response belonged to the young workers and families trying to settle in the region. With almost 63% of the responses, this group appears to struggle the most when it comes to finding housing that fits their needs. Industry leaders indicate challenges in securing and identifying housing for their workforce and housing for expanding jobs and temporary specialized workforce. Younger demographics are an important consideration for Cullman County, especially as it continues to try and lure workers for all sectors of industry to the area. This group has a huge need for availability of additional multifamily units especially ones with up to date amenities. Current multifamily housing has limited amenities or appeal. Apartment owners and managers were asked to self-evaluate the amenities offered in their developments. Most identified the lack of upgrades and amenities as a pressing issue for their residents. However, despite the age of units and lack of amenities, vacancy rates have remained low and rents have continued to increase. The balance housing model projects an increase in housing units needed in Cullman County. Multifamily was identified as one of the areas of much need. 1,218 units will need to be built by 2040. Although the needs analysis supports demand for larger multifamily unit developments, there appears to be limited interest and developer strategies for accumulation or assembly of land to build the larger developments of multifamily units of 40 or more units.* The study contains 209 pages and does nothing but support the need for this type of project.

In conclusion, we are not asking the city to approve this re-zoning because the planning commission has sent a favorable recommendation. We want the city, like it does in all decisions, to look at all of the facts, consider the neighbors' comments, and do what is best for the future of our city that we all love. I have lived here for 53 years, raised my children here, served on industry development boards for the city and the county for 24 years, attend church here, serve on a non-profit board, my business is here and I want you to do what is best for our city not just this project or any other project that comes before you. In the event you decide this re-zoning is in the best interest of the city and its'

citizens, I can assure you, that our group, as always, will deliver a project that you will be proud of, while being very sensitive to the needs of our neighbors. I appreciate your time tonight and your selfless contribution to our city.

Attorney Bert Boykin spoke against the rezoning on behalf of Linda and Leonard Romine of 1224 Morningside Drive Southwest reiterating that they've only received promises and speculative aspirations about what the project could be by showing pictures of projects in other cities. But that doesn't provide any hard, concrete facts for the council to go on tonight. We have an agreement between a company with investors in a development management company and land owners. What you do have is residents that have been here for multiple planning commission hearings and city council hearings and have spoken at every meeting. At the eleventh hour people are now saying they will do this or that. We have an R2 piece of property which is adjacent to an R4 piece of property that was rezoned in 2014 that is why the Planning Commission gave a favorable recommendation. But this parcel being considered tonight is directly abutting to a single family neighborhood. Your ordinance states that R2 Single Family is for the protection of lower density areas and residential homes. So, to put these two zoning classifications directly on top of each other is spot zoning at its finest. We can't have a zoning system that does not adhere to the ordinances that we are all supposed to be going by. At the end of the day, we're asking you to protect your residents, not for promises, not for what might be, but ultimately this property needs to be developed in its current zoning classification and nothing else. We're asking you to stand with your community members, not the hopes of others coming in or anything of that nature. There is a way to do this, and we understand the need. That is certainly something you all have to be mindful of and try to develop. But it cannot at the expense of your current residents and we ask you to consider that and vote no.

Jeff Harper, 1211 Morningside Drive SW, spoke against the rezoning stating that when Rock the South came for the benefit of the city, we all worried about it because of the noise and everything going on, we were promised by the previous mayor that nothing would occur after 11:00, that there would be sound off, lights off, everybody go to sleep, so we agreed to that. The next year, 1:30 in the morning, and it's been that way every year. So you can see why, all that sounds wonderful that he says, but his promises are only as good as him and you guys. We have to have somebody to fight for us and we don't feel we've had that in the past. And I feel for you guys and Rock the South and I'm glad it's gone because 1:30 in the morning is pretty tough. I go to church, I'm a Christian and I just about sleep through the service that morning. We were promised and the promise went out the window. I worry about this, all that sounds good, if I could get a guarantee on bond from that man, if that's how it is going to occur, I might could go for it. But when all this is approved and it gets here, who do we go to then when it's not that way?

Tabatha Smothers, General Manager of Hampton Inn, 6100 Alabama Highway 157, speaking on behalf of the Hospitality Association. She wishes to make a public acknowledgement of our intent concerning the Cullman County Chamber of Commerce and the lodgings tax by reading the letter submitted to the Chamber:

Dear Ms. Leah Bolin and Chamber of Commerce Board of Directors:

We are writing this letter regarding your decision to reallocate funds generated by lodgings tax. We were profoundly disappointed in our lack of involvement and the concealment of plans with the Chamber's lodging tax resolution. We feel this is a clear violation of trust and respect that we were promised by Leah years ago.

Do the rash and wily decision that you have made concerning your commitment to Project X, we feel we have no other option than to publicly denounced your decision on the premises that hotel owners/general managers, the Tourism Board, the local elected leaders, and the State Legislators were not informed of this decision. It is our sincerest belief that these public funds generated by the lodging tax should have more accountability and that it not be liberally earmarked at the discretion of private organization without the involvement of the City and County Leadership, State Delegation, the established Tourism Board, and the Hospitality Association.

Moving forward, we are calling on our State Delegation to look into this issue and explore other methods to create more accountability and transparency with the Lodgings Tax. Also, we feel it is time for the Cullman Area Tourism Board of Directors, along with public lodgings tax funds be separated from the Cullman Area Chamber of Commerce. Going forward, we fell it is imperative that we are involved before any long-term commitments of the lodging tax are granted. Such decisions should not be left up to the Chamber President or the Executive Committee alone.

Respectfully,

The Cullman Hospitality Association

Best Western - Herrish Patel, Owner, Comfort Inn - Donna Scarborough, Regional Manager, Days Inn - Nayan Patel, Owner, Econo Lodge - Charlie Patel, Owner, Hampton Inn - Tabatha Smothers, General Manager, Hampton Inn - Mayur Patel, Owner, Holiday Inn - Donna Scarborough, Regional Manager, LaQuinta - Pritesh Patel and Charlie Patel, Owners, Quality Inn - Charlie Patel, Owner, and Sleep Inn - Dhuval Patel, Owner.

PUBLIC HEARINGS – None.

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

Council Member Page made a motion to grant a special event request from Brenda Allison of Pentastar South Car Club to hold the annual car show in Depot Park on June 8th, 2019 from 8:00 a.m. until 3:00 p.m. to benefit “Secret Meals for Hungry Children”. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro-Tem Cook made a motion to grant special event request from Christy Turner of Cullman City Parks Recreation to hold the annual Strawberry Festival around the Festhalle and in Depot Park beginning on April 26th, 2019 and ending on April 27th, 2019. 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 grant special event request from Christy Turner of Cullman City Parks Recreation to hold the annual Dinner on First Avenue in the Warehouse District on May 17th, 2019 or the rain day will be on May 18th, 2019. Council President Pro-Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro-Tem Cook made a motion to grant special event request from Dreher’s located at 216 First Avenue SE for the approval of a restaurant alcohol license, which received a favorable recommendation from the City of Cullman Alcohol Review Committee. 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 grant special event request from Jackie Moore for the Cullman Area Chamber of Commerce and the Parks and Recreation Department to hold the Second Friday events in the Downtown area from Highway 278 to Depot Park this June through September 2019. Council President Pro-Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to grant special event request from Christy Turner of Cullman City Parks Recreation to hold the Major League Bass Fishing Tournament and Activities beginning on April 28th, 2019 and ending on May 5th, 2019. 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 grant special event request from Wesley Moore of the City of Cullman to hold the 2019 AHSAA State Track Meet at Cullman High School beginning on May 2nd, 2019 and ending on May 4th, 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 President Folsom held the second reading of Ordinance No. 2019-11 for amending Ordinance No. 2004-03 and the Zoning Map of the City of Cullman, Alabama, to Re-Zone Certain Parcels of Property of Property as Set Forth Herein. *Attorney Roy Williams recommended the council request all departments, water, sewer, street, traffic, engineering etc., provide the Mayor with a detailed report to the council concerning the of the infrastructure capacities and capabilities for the council’s consideration prior to making the decision regarding the rezoning.* Upon Attorney Roy William’s recommendation, Council Member Hollingsworth made a motion to table Ordinance No. 2019-11 until the May 13, 2019 council meeting:

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 synopsis, 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.

Jenny Folsom – President of the City Council

ATTEST:

Wesley M. Moore – City Clerk

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

Woody Jacobs – Mayor

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

Council President Folsom held the second and final reading of Ordinance No. 2019-12 to annex certain properties into the city limits of the City of Cullman, Alabama. Council President Pro-Tem Cook made a motion to adopt the following ordinance:

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 I: 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.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

/s/ Woody Jacobs – Mayor

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

Council President Folsom held the second and final reading of Ordinance No. 2019-13 to annex certain properties into the city limits of the City of Cullman, Alabama. Council President Pro Tem Cook made a motion to adopt the following ordinance:

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.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

/s/ Woody Jacobs – Mayor

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

Council President Folsom held the second and final reading of Ordinance No. 2019-13 to annex certain properties into the city limits of the City of Cullman, Alabama. Council Member Moss made a motion to adopt the following ordinance:

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.

/s/ Jenny Folsom – President of the City Council

ATTEST:

/s/ Wesley M. Moore – City Clerk

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

/s/ Woody Jacobs – Mayor

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

Council President Folsom held the first reading of the following ordinance:

ORDINANCE NO. 2019 - 14

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

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

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

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

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

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

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

President of the City Council

ATTEST:

City Clerk

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

Mayor

Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2019 – 54

THE FISCAL YEAR 2017-2018 ANNUAL AUDIT FOR THE CITY OF CULLMAN

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Mayor to annually appoint an independent auditor to conduct an examination of all books and accounts of the City of Cullman in accordance with the generally accepted auditing standards and to make a full report to the Cullman City Council in writing and under oath;

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Cullman City Council to spread the full report from the independent auditor upon the minutes;

WHEREAS, the Mayor has appointed Warren Averett CPAs and Advisors to conduct the annual audit for fiscal year 2017-2018;

WHEREAS, Warren Averett CPAs and Advisors has completed the annual audit for fiscal year 2017-2018 and delivered the full report to the Cullman City Council;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the fiscal year 2017-2018 annual audit is now spread upon the minutes.

ADOPTED BY THE CITY COUNCIL this the 22nd 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 22nd 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 - 55

TO DECLARE CERTAIN PROPERTY SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN

WHEREAS, the Cullman City Council hereby finds and determines that the City of Cullman is owner of various capital assets and inventory that is no longer needed by the City of Cullman for public or municipal purposes and that the best interests of the City will be served by the sale or disposal of said property;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to designate a City employee to sell or disposal of said property that is no longer needed by the City of Cullman for public or municipal purposes for its present fair market value.

ADOPTED BY THE CITY COUNCIL this the 22nd 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 22nd 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 appoint Jamie Troutman, Brian Dove, Jeremy Wooten, and Todd Self as representatives of Technology Village Cullman. Council Member Page seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:43 p.m. by a voice vote. Ayes: All. Nays: None.