

CULLMAN CITY COUNCIL MEETING ON JULY 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, July 22, 2019. Police Chief Kenny Culpepper presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from July 15, 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 Johnny Cook made a motion to approve the minutes from July 15, 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

Council President Pro Tem Cook made a motion to add Resolution 2019-71 Change Order #1 on Hwy 278 Streetscape Project under Roman Numeral X. Council Member David Moss seconded the motion to add Resolution 2019-71 and the motion was approved by a voice vote. Ayes: All. Nays: None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – Wastewater treatment plant manager Jeff Adams shared the new processes and chemicals being used to combat the insects at the treatment plant.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – No report.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom – No report.

REPORT FROM THE MAYOR

Mayor Jacobs welcomed the Boy Scout group in attendance. The scouts led the Pledge of Allegiance and attended the council meeting as part of the requirement for the Citizenship in Community badge, a requirement for the Eagle Scout designation they are working toward.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

Council President Folsom called the public hearing to order at 7:09 p.m. for Ordinance No. 2019-21 to amend Ordinance No. 2018-34 requiring the installation of street lights in subdivisions, clarifying subdivision lighting installation and maintenance responsibilities. With no one wishing to speak for or against the Ordinance amendment, Council President Folsom closed the public hearing at 7:10 p.m.

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

Council President Pro Tem Cook made a motion to grant a special event request from Christy Turner of City Parks & Recreation to hold the annual Eva Midnight Run around the Civic Center on August 2nd, 2019 from 10:00 p.m. until 2:00 a.m. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None

Council President Pro Tem Cook made a motion to grant a special event request from Steve Cummings of the Cullman Republican Party to hold a Possum Day at the Festhalle on August 24th, 2019 from 4:30 p.m. until 9:30 p.m. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NO. 2019 - 68

WHEREAS, the Alabama Community Development Block Grant Program has been established to assist local governments in meeting community development and housing needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, City of Cullman, acting by and through its City Council proposes to apply for Community Development Block Grant Funds to implement a Neighborhood Improvement Project on Katherine Street.

THEREFORE, be it resolved by the City Council of Cullman, Alabama, as follow:

THAT, WOODY JACOBS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2019 Community Development Block Grant funds in the amount of **\$450,000.00** to implement a Neighborhood Improvement Project on Katherine Street; and

THAT, THE CITY OF CULLMAN will provide a local match of **\$337,845.01** in support of this project, of which **\$87,845.01** will be local cash and **\$250,000.00** will be in-kind services provided to install the water, sewer, drainage, and street improvements in support of this project.

ADOPTED AND APPROVED by the Cullman City Council, on this the 22nd day of July, 2019.

SIGNED FOR THE CULLMAN CITY COUNCIL:

By: /s/ Woody Jacobs, Mayor

Attest:

/s/ Wesley M. Moore, City Clerk

Council President Pro Tem Cook seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

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

RESOLUTION NO. 2019 - 69

This Resolution is made this **22th** day of **July**, **2019** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Project Bumper** (the Company).

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 all state and local non-educational ad valorem taxes, 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 **\$ 12,485,375**; 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 all state and local non-educational ad valorem taxes, 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.

I hereby certify that the foregoing was duly adopted by the **City of Cullman, Alabama** of Alabama at a meeting held on the **22nd** day of **July, 2019**.

BY: /s/ Woody Jacobs, Mayor

ATTEST:

/s/ Wesley M. Moore, City Clerk

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 2019-21 to amend Ordinance No. 2018-34 requiring the installation of street lights in subdivisions. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. 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 Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2019 – 21

TO AMEND ORDINANCE NO. 2018 – 34 REQUIRING THE INSTALLATION OF STREET LIGHTS IN SUBDIVISIONS
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

Section I. Purpose. The purpose of this Ordinance is to modify or amend Section IV, paragraph 4 of Ordinance No. 2018 - 34.

Section II. Definitions:

1. Section IV paragraph 4 of Ordinance No, 2018 - 34, is hereby deleted in its entirety.

2. The following paragraph is hereby substituted in place of the above deleted paragraph.

- A. The Owner/Developer will be responsible for the installation of all components of the street lighting system approved by the utility provider and required and approved by the Planning Commission. The City of Cullman shall be responsible for the maintenance and replacement of all components of the street lighting system upon its approval by the utility provider and completion by the Owner/Developer in accordance with the plans and specifications as approved by the Planning Commission and City of Cullman Engineering Department or said departments designated by the Mayor.

3. Once installed the lighting system shall be the property of the city or utility providing power to the system as the City of Cullman directs.

4. The installation shall be in accordance with the then existing regulations as adopted at the time of the installation.

Section III. Severability Clause. Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

Section IV. Effective Date. This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 22nd day of July, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

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

/s/ Woody Jacobs, Mayor

Council Member Moss 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 asked for Board Appointments, but there were none.

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

RESOLUTION NO. 2019 - 70

TO ENTER INTO CONTRACT WITH ST. JOHN & ASSOCIATES

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with St. John and Associates for professional services related to the Access Road into Industrial Park VI;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into a contract with St. John & Associates for professional services related to the Access Road into Industrial Park VI.

ADOPTED BY THE CITY COUNCIL this the 22nd day of July, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of July, 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 – 71

TO APPROVE AN CHANGE ORDER TO POWE GENERAL CONTRACTING, LLC FOR DOWNTOWN STREETSCAPE

WHEREAS, the Cullman City Council awarded the bid for Downtown Streetscape Improvements along US 278 from 1st Avenue SE to 3rd Ave SE to Powe General Contracting, LLC in the amount of \$359,036.25;

WHEREAS, CDG Engineers & Associates has recommended that Change Order No. 1 be approved which will increase the total cost of the project by \$43,642.92 for additional items necessary to tie-in corner ramps to resurfaced roadway elevations while maintaining ADA standards, to fulfill planned items that were not in the original bid and to add decorative lighting pole #15;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 1 which will increase the total cost of the contract with Powe General Contracting, LLC to \$402,679.17.

ADOPTED BY THE CITY COUNCIL this the 22nd day of July, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

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

/s/ Woody Jacobs, Mayor

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

Council President 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 7:14 p.m. by a voice vote. Ayes: All. Nays: None.