

## **CULLMAN CITY COUNCIL MEETING ON DECEMBER 9, 2019 IN THE LUCILLE N. GALIN AUDITORIUM**

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 o'clock p.m. on Monday, December 9, 2019.

Fire Chief Brian Bradberry presented the invocation and led the Pledge of Allegiance.

A roll call by City Clerk Wesley Moore reflected the following: Present - 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. Mayor Woody Jacobs was absent.

Council President Jenny Folsom asked the Council to consider the minutes from November 25, 2019. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Page 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from November 25, 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 Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

### **ADDITIONS/DELETIONS TO AGENDA**

#### **REPORTS OF STANDING COMMITTEES**

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss and Wastewater Treatment Plant Manager Jeff Adams honored Jake Calloway for obtaining the ADEM Grade 4 Wastewater Certification.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook – No report.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth – Reports the Community Band Christmas Concert will be held at Cullman First Baptist Church on Monday, December 16<sup>th</sup> at 7:00 p.m.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom – No report.

#### **REPORT FROM THE MAYOR**

#### **COMMENTS FROM ANYONE NOT ON THE AGENDA**

Kathy Wilson and Jordan Giddens asked the City of Cullman to join in the fight against human trafficking by becoming a “Human Trafficking Free Zone”.

#### **PUBLIC HEARINGS - None**

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

Council President Pro Tem Cook made a motion to grant a special event request from Drew Green of the Cullman County Museum for a special event permit to hold the Bicentennial Extravaganza with choir singing and a fireworks display on December 14<sup>th</sup>, 2019 beginning at 5:00 p.m. in Depot Park. 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 President Folsom held the second reading of Ordinance No. 2020-03 to rezone the Burrow property located at 1315 County Road 222 from R-1 to AG-1, which received a favorable recommendation from the City of Cullman Planning Commission. Council Member Page made a motion to adopt the following ordinance:

##### **ORDINANCE NO. 2020 – 03**

##### **AMENDING ORDINANCE NO. 2004-03 AND THE ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

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

1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the City of Cullman, Alabama, the following describe the tract or parcel of land, to-wit: PPIN: 3204. PARCEL: 17-09-32-0-001-013.000. ADDRESS: 1315 County Road 222. LEGAL DESCRIPTION: A tract or parcel of land containing 110.50 acres of land, more or less and being a part of the west half of Section 32 Township 10 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows: Commence at a found rock marking the southwest corner of said section and run north 01 degrees 40 minutes 16 seconds east and run along the west line, a distance of 500.00 feet to a found capped corner (Conn-17831) marking the point of beginning; thence continue north 01 degrees 40 minutes 16 seconds east, a distance of 765.48 feet to a point marking the northwest corner of the southwest quarter of the southwest quarter; thence north 01 degrees 40 minutes 16 seconds east, a distance of 632.74 feet to a found capped corner (Conn-17831) marking the northwest corner of the south half of the northwest quarter of the southwest quarter; thence south 98 degrees 12

minutes 32 seconds east, a distance of 1322.45 feet to a found capped corner (Conn-17831) marking the northeast corner of said south half; thence north 01 degrees 27 minutes 06 seconds east, a distance of 95.23 feet to a found capped corner (Conn-17831); thence south 88 degrees 23 minutes 01 seconds east, a distance of 104.96 feet to a found capped corner (Conn-17831); thence north 01 degrees 39 minutes 56 seconds east, a distance of 209.91 feet to a found capped corner (Conn-17831); thence north 88 degrees 22 minutes 51 seconds west, a distance of 104.92 feet to a found capped corner (Conn-17831) marking the west line of the northeast quarter of the southwest quarter; thence north 01 degrees 39 minutes 33 seconds east, a distance of 320.77 feet to a found capped rebar (Conn-17831) marking the northwest corner of said northeast quarter of the southwest quarter; thence north 01 degrees 39 minutes 33 seconds east, a distance of 882.39 feet to a found rebar marking the south right-of-way line of Cullman County Road No. 222; thence south 88 degrees 25 minutes 49 seconds east, and run along said right-of-way line, a distance of 226.11 feet to the point of curvature of a curve to the right having a central angle of 01 degrees 14 minutes 43 seconds, a radius of 4960.00 feet and a chord bearing of south 87 degrees 52 minutes 06 seconds east; thence run along the arc of said curve an arc distance of 107.81 feet to the point of tangency; thence south 87 degrees 14 minutes 44 seconds east, a distance of 645.64 feet to the point of curvature of a curve to the left having a central angle of 10 degrees 07 minutes 11 seconds, a radius of 1790.00 feet and a chord bearing of north 87 degrees 41 minutes 40 seconds east; thence run along the arc of said curve an arc distance of 316.16 feet to a found capped corner (Conn-17831) marking the intersection of said south right-of-way line with the west right-of-way line of Reed Road; thence south 02 degrees 02 minutes 53 seconds west, and run along said right-of-way line, a distance of 855.13 feet to a point; thence south 02 degrees 40 minutes 16 seconds west, and run along said west right-of-way line, a distance of 662.11 feet to a point; thence south 01 degrees 35 minutes 45 seconds west, continuing along said right-of-way line, a distance of 517.76 feet to the point of curvature of a curve to the left having a central angle of 47 degrees 44 minutes 47 seconds, a radius of 114.61 feet and a chord bearing of south 22 degrees 16 minutes 38 seconds east; thence run along the arc of said curve an arc distance of 95.51 feet to a found capped corner (Conn-17831) marking the south line of the northeast quarter of the southwest quarter; thence north 89 degrees 23 minutes 03 seconds west, departing said west right-of-way line, a distance of 1315.32 feet to a found capped corner (Conn-17831) marking the southwest corner of said northeast quarter of the southwest quarter; thence south 01 degrees 40 minutes west, a distance of 1252.71 feet to a found rock marking the southeast corner of the southwest quarter of the southwest quarter; thence south 89 degrees 57 minutes 39 seconds west, a distance of 547.82 feet to a found capped corner (Conn-17831) marking the southeast corner of that certain tract as conveyed to the Normand's by deed recorded in deed book 604, page 68 in the office of the Judge of Probate, Cullman County, Alabama; thence north 00 degrees 02 minutes 21 seconds west, a distance of 499.78 feet to a found capped corner (Conn-17831) marking the northeast corner of said Normand tract; thence south 89 degrees 57 minutes 39 seconds west, a distance of 759.80 feet to the point of the beginning. Subject to any rights-of-way and/or easements of record. Source of Title: Deed Book 512, Page 676; Misc. Book 222, Page 496.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as R-1 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-1 Residential District to AG-1 Agricultural District.

2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or 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 25<sup>th</sup> day of November, 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 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held second reading of Ordinance No. 2020-04 to vacate a utility easement on Lot 466 located 4<sup>th</sup> Street SE, which received a favorable recommendation from the City of Cullman Planning Commission.

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

**ORDINANCE NO. 2020 – 04**

**TO VACATE AND SURPLUS PROPERTY NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:**

1. The City of Cullman has a utility easement, which is approximately 10 feet by 165 feet, located along and across Lot 466 of the City of Cullman.
  2. The Cullman City Council finds and determines that this property is not needed by the City of Cullman for public or municipal purposes and hereby vacates the property and declares it surplus.
  3. The City Council hereby authorizes the Mayor to sell this property for its fair market value.
  4. This ordinance shall become effective upon its passage and publication as required by law.
- ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held second reading of Ordinance No. 2020-06 to set fees for water connections and other services fees provided by the City of Cullman. Council Member Moss made a motion to adopt the following ordinance:

**ORDINANCE NO. 2020 - 06**

**TO SET FEES FOR WATER CONNECTIONS AND OTHER SERVICES PROVIDED BY THE CITY OF CULLMAN,  
ALABAMA BEGINNING ON THE 1<sup>ST</sup> DAY OF JANUARY, 2020  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:**

**SECTION 1** The following fees for water connections and other services provided by the City of Cullman, Alabama, are hereby levied:

- |   |  |
|---|--|
| a) Reconnection Fee                         | \$ 35.00   |
| b) Reconnection Fees (After Hours)          | \$ 60.00   |
| c) Lock Replacement Fee                     | \$ 75.00   |
| d) Replace Check Valve                      | \$ 100.00  |
| e) Replace Curb Stop                        | \$ 150.00  |
| f) Locate Service Line                      | \$ 500.00  |
| g) Raise or Lower Meter                     | \$ 500.00  |
| h) Unauthorized Water Use                   | \$ 500.00 plus cost of repair materials          |
| i) Damaged Service                          | \$ 500.00 plus cost of repair materials          |
| j) 3/4" Meter Installation with Box and Lid | \$ 800.00  |
| k) 1" Meter Installation with Box and Lid   | \$ 1,000.00                                      |
| l) 2" Vault Installation                    | \$ 2,500.00 minimum                              |
| m) 2" Meter Installation                    | \$ 3,500.00 minimum                              |
| n) Fire Taps                                | Fees will be determined on a case by case basis. |

**SECTION 2** This Ordinance is adopted solely for the purpose of changing rates to be charged to retail water customers of the City of Cullman, and does not affect other provisions of Ordinance No. 1332 or provisions of other ordinances which have not been previously repealed.

**SECTION 3** All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4** This ordinance shall become effective on the 1<sup>st</sup> day of January, 2020 subject to its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held second reading of Ordinance No. 2020-07 to set fees for sewer connections and other services fees provided by the City of Cullman. Council President Pro Tem Cook made a motion to adopt the following ordinance:

**ORDINANCE NO. 2020 - 07**

**TO SET FEES FOR WASTEWATER CONNECTIONS AND OTHER SERVICES PROVIDED BY THE CITY OF CULLMAN, ALABAMA BEGINNING ON THE 1<sup>ST</sup> DAY OF JANUARY, 2020**

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

SECTION 1 The following fees for wastewater connections and other services provided by the City of Cullman, Alabama, are hereby levied:

- |                                |   |
|--------------------------------|---|
| a) Cleanout Cap Repair         | \$ 30.00                                      |
| b) Repair Manhole Ring and Lid | \$ 500.00                                     |
| c) Unauthorized Sewer Use      | \$ 500.00 plus cost of repair materials       |
| d) Damaged Service             | \$ 500.00 plus cost of repair materials       |
| e) 2" Pressure Tap             | \$ 720.00                                     |
| f) 4" Sewer Tap                | \$ 720.00                                     |
| g) 4" Pressure Tap             | \$ 720.00                                     |
| h) 6" Sewer Tap                | \$ 3,250.00                                   |
| i) 6" Pressure Tap             | \$ 3,250.00                                   |
| j) 8" Sewer Tap                | \$ 5,520.00                                   |
| k) 8" Pressure Tap             | \$ 5,520.00                                   |
| l) 4" Relocate Sewer Service   | \$ 720.00 plus cost of terminating old line   |
| m) 6" Relocate Sewer Service   | \$ 3,250.00 plus cost of terminating old line |
| n) 8" Relocate Sewer Service   | \$ 5,520.00 plus cost of terminating old line |

SECTION 2 This Ordinance is adopted solely for the purpose of changing rates to be charged to retail water customers of the City of Cullman, and does not affect other provisions of Ordinance No. 1332 or provisions of other ordinances which have not been previously repealed.

SECTION 3 All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4 This ordinance shall become effective on the 1<sup>st</sup> day of January, 2020 subject to its adoption, approval and publication as provided by law.

ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the second reading of Ordinance No. 2020-08 to annex property located on County Road 473 into the city limits of Cullman as R-1, which received a favorable recommendation from the City of Cullman Planning Commission. Council Member Page made a motion to adopt the following ordinance:

**ORDINANCE NO. 2020 – 08**

**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 Todd and Mary Ann Mangold has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman:

Parcel I: PPIN: 76912. PARCEL: 17-04-20-0-000-007.004. Property address: Vacant lot - County Road 473, Cullman, AL 35058.

Parcel II: PPIN: 76913. PARCEL: 17-04-20-0-000-007.005. Property address: 881 County Road 473, Cullman, AL 35058.

Legal Description: The tracts or parcels of land in Southwest Quarter of the Northwest Quarter of Section 20, Township 10 South, Range 3 West more particularly described as follows: Commencing at a railroad spike marking the Northwest corner of Section 20, Township 10 South, Range 3 West; thence S 1 degree 12' W along the accepted west line of said Section 665.81 feet to a railroad spike; thence S 1 degree 12' W along West line of Section 731.96 feet to the point of beginning; thence S 1 degree 12' W 464.96 feet to a ½ inch rebar; thence S 87 degrees 26'24" E 305.78 feet (S 87 degrees 29'20" E 325.52 feet on deed) to a ¾ inch pipe; thence N 1 degree 15'02" E 465.04 feet; thence N 87 degrees 27'25" W 306.18 feet to the point of the beginning, containing 3.26 acres, more or less. Less and except an easement for Ingress and Egress 20' evenly across the West line wherein is partially situated on a public road

which shall be conveyed to the county as a public road. LESS AND EXCEPT THE FOLLOWING PARCEL: A tract or parcel of land located in the Southwest Quarter of the Northwest Quarter of Section 20, Township 10 South, Range 3 West more particularly described as follows: Commencing at a railroad spike marking the Northwest corner of Section 20, Township 10 South, Range 3 West; thence S 1 degree 12' W along the accepted West line of said Section 665.81 feet to a railroad spike; thence continue S 1 degree 12' W along the West line of said section 731.96 feet to the point of beginning; thence S 1 degree 12' W 165 feet; thence S 87 degrees 27'25" E 306.03 feet; thence N 1 degree 15'02" E 165 feet; thence N 87 degrees 27'25" W 306.18 feet, to the point of the beginning, containing 1.16 acres, more or less. Less and except and Easement for Ingress and Egress 20' evenly across the west line wherein is partially situated on a public road which shall be conveyed to the county as a public road.

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 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the second reading of Ordinance No. 2020-09 to annex property located on County Road 1402 and Eva Road NE into the city limits of Cullman as R-2, which received a favorable recommendation from the City of Cullman Planning Commission. Council Member Page made a motion to adopt the following ordinance:

**ORDINANCE NO. 2020 – 09**

**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 Brenda Kay Bonds Howell has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, which property is owned by the petitioner, be annexed into the City of Cullman: PPIN: 37065. PARCEL: 09-07-35-0-001-076.001. Legal Description: A tract or parcel of land containing 26.72 acres of land, more or less and being situated in the Southwest Quarter of the Southwest Quarter in the west-half of the Southeast Quarter of the Southwest Quarter of Section 35 Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows: Begin at a found rock marking the locally accepted Northwest corner of the West-half of the Southeast Quarter of the Southwest Quarter of said Section 35, having an Alabama state plane, West zone, NAD 83. Coordinate value of N. 1532032.08', E. 2172496.30', and run South 00 degrees 34 minutes 29 seconds West, (bearing based on Alabama state plane, West zone, NAD 83. Grid.), along the West line as found, a distance of 309.58 feet to set a rebar; thence South 68 degrees 28 minutes 11 seconds West, a distance of 360.06 feet to a found fence post; thence south 66 degrees 14 minutes 59 seconds West, a distance of 238.82 feet to a set rebar at a fence post and being on the easterly right-of-way line of Eva Road and being in a curve to the right, having a central angle of 33 degrees 10 minutes 08 seconds, a radius of 1,294.72 feet, a chord bearing of South 13 degrees 33 minutes 58 seconds East, a chord length of 739.10 feet; thence run along the arc of said curve an arc distance of 749.53 feet to a set rebar marking the intersection of the easterly right-of-way line of Eva Road with the Northerly right-of-way line of Cullman County Road No. 1402; thence South 89 degrees 27 minutes 52 seconds East, along said Northerly right-of-way line of Cullman County Road No. 1402, a distance of 1,001.75 feet to set a rebar; thence North 00 degrees 39 minutes 22 seconds East, departing said Northerly right-of-way line, a distance of 1,253.05 feet to a found capped corner (Conn-17831) on the North line of the West-half of the Southeast Quarter of the Southwest quarter as found; thence North 88 degrees 50 minutes and 40 seconds West, along the North line as found, a distance of 632.92 feet to the point of the beginning. Property address: Vacant Tract of Land on County Road 1402 and Eva Road NE, Cullman, Alabama 35055.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-2 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 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the second reading of Ordinance No. 2020-10 to approve the 2020 Severe Weather Preparedness Tax Holiday beginning on Friday, February 21<sup>st</sup>, 2020 and ending on Sunday, February 23<sup>rd</sup>, 2020. Council President Pro Tem Cook made a motion to adopt the following ordinance:

**ORDINANCE NO. 2020 – 10**

**AN ORDINANCE OF THE CITY OF CULLMAN, ALABAMA,**

**TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE STATE OF ALABAMA SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY**

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

Section 1. In conformity with the provisions Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, the City of Cullman, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on Friday, February 21<sup>st</sup>, 2020 and ending at twelve midnight on Sunday, February 23<sup>rd</sup>, 2020.

Section 2. This ordinance shall be subject to all term, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Cullman, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective upon its adoption by the City Council and approval by the Mayor.

ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2020-12 to correct the legal description on Ordinance No. 2019-27. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2020-12. Council Member Page 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 Johnny Cook: Aye. Council President Folsom: Aye. Council

Member Moss: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2020-12:

**ORDINANCE NO. 2020 –12**

**AN AMENDMENT TO ORDINANCE NO. 2019-27**

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

**Section 1.**

1. The City Council of the City of Cullman hereby finds and determines that the legal description to real property as shown in Ordinance No. 2019-27 is incorrect and therefore an amendment is required.
2. The City of Cullman is the owner of that certain real property as shown in the Declaration of Vacation as filed in Book 319 Page 305 on February 24, 1976, wherein the legal description in the above referenced ordinance did not contain same. The correct legal description is shown below:
3. It is hereby established and declared that the following described real property of the City of Cullman, Alabama is no longer needed for public or municipal purposes to wit:

**Tract I:**

Beginning at a point on the North right-of-way of Sixth Street where the said right-of-way intersects with the East right-of-way of Main Street, thence North 0 degrees 47' East along the East right-of-way of said Main Street until it intersects the South right-of-way of Fifth Avenue, thence North 63 degrees 28' East along the South right-of-way of said Fifth Avenue until it intersects the West right-of-way of Fifth Avenue, thence South 26 degrees 35' East along the right-of-way of said Fifth Avenue until it intersects the North right-of-way of Sixth Street, thence South 63 degrees 28' West along the North right-of-way of said Sixth Street to the point of beginning. Also described as Lot 1, Block 20, Land Disposal Map, Fourth Street Urban Renewal Area, for City of Cullman, Alabama, as recorded in the Office of the Judge of Probate, Cullman County, Alabama, Plat Book 6, Page 43.

**ALSO:**

**Parcel II:**

All of Sixth Avenue S.W., lying between Sixth Street S.W., and Fifth Street S.W., in the City of Cullman, Alabama, said tract being 100 feet East and West by 330 feet North and South.

**Parcel III:**

Commence at a point where the East line of Seventh Avenue, S.W., intersects the South line of Fifth Street, S.W., for the point of beginning of the tract herein described; thence continue in a southerly direction along the East side of Seventh Avenue, S.W., a distance of 330 feet to a point on the North side of Sixth Street, S.W., thence in a westerly direction along the North side of Sixth Street, S.W., a distance of 100 feet to a point, thence continue in a northwesterly direction along the West side of Seventh Avenue, S.W., to a point; said point being where the West line of Seventh Avenue, S.W., intersects the East line of Main Avenue, S.W., thence due North to a point where Main Avenue, S.W., intersects the South side of Fifth Street, S.W., thence in a northeasterly direction along the South side of Fifth Street, S.W., a distance of 60 feet more or less to the point of beginning of the tract herein described.

LESS AND EXCEPT: All that part of Lot 1, Block 20 of Fourth Street Urban Renewal Project, Ala. R-129 as recorded in Map Book 6, Page 43 in the Office of the Judge of Probate, Cullman County, said tract being more particularly described as follows to wit: Beginning at a rebar marking the Northwest corner of said Lot 1, Block 20; said point being the intersection of the Easterly right-of-way of Main Street and the Southerly right-of-way of Fifth Street; thence with said right-of-way of Fifth Street North 63 degrees 28'14"East, 282.34 feet to a capped rebar; thence leaving said right-of-way South 26 degrees 37'15"East, 330.08 feet to a capped rebar being on the Northerly right-of-way of Sixth Street; thence with said right-of-way South 63 degrees 28'07"West, 453.33 feet to a capped rebar, being the intersection of Main Street right-of-way margin and said Sixth Street right-of-way; thence with said Main Street right-of-way North 00 degrees 47'00"East, 371.51 to a capped rebar, being the point of beginning and containing 2.79 acres, more or less.

**Section 2.**

1. That the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute an attest respectively, for and on behalf of the City of Cullman, Alabama, a warranty deed, a copy of which is on file in the Office of the City Clerk, whereby the City of Cullman, Alabama, does convey the premises described in Section 1, here to Desperation Church for and in consideration of the sum of Three Million One Hundred Twenty-Five Thousand Five Hundred and No/100 Dollars (\$3,125,500.00). The property is being purchased in "As Is" condition.

**Section 3.**

1. Except as herein above expressly amended, the terms of Ordinance No. 2019-27 are hereby ratified and affirmed. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

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

**RESOLUTION NO. 2020 – 43**

**TO AWARD BID FOR TRAFFIC SIGNAL INSTALLATION AT FIRST AVENUE SE AND SECOND STREET SE**

WHEREAS, bids were received on December 4, 2019 for traffic signal installation on First Avenue SE and Second Street SE,

WHEREAS, the following bids were opened:

<b>Shoals Electric Company Inc.</b>	<b>Muscle Shoals, Alabama</b>	<b>\$199,989.00</b>
Temple Electric Company, Inc.	Gadsden, Alabama	\$235,000.00
Stone Electric	Birmingham, Alabama	No Bid

WHEREAS, the recommendation from the Project Engineer Jeremy Greer is to award the bid to Shoals Electric Company, Inc., the lowest responsible bidder.

BE IT RESOLVED by the Cullman City Council that the bid for traffic signal installation on First Avenue SE and Second Street SE be awarded to Shoals Electric Company, Inc., the lowest responsible bidder, in the budgeted amount of \$199,989.00.

ADOPTED BY THE CITY COUNCIL, this the 9<sup>th</sup> day of December, 2019.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 9<sup>th</sup> day of December, 2019.

/s/ Woody Jacobs, Mayor

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

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

**RESOLUTION NO. 2020 - 44**

This Resolution is made this 9<sup>th</sup> day of December, 2019 (the Effective Date) by the City of Cullman, Alabama (the Granting Authority), to grant a tax abatement for Rusken Packaging, Inc. (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 noneducational ad valorem taxes AND all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and

WHEREAS, the Company has requested that the abatement of state and local noneducational 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 \$ 7,800,000; 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 noneducational ad valorem taxes AND all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational 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 9<sup>th</sup> day of December, 2019.

ATTEST:  
Wesley Moore, City Clerk

By: /s/ Woody Jacobs  
Its: Mayor

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

**BOARD APPOINTMENTS** – None.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:20 p.m.