

CULLMAN CITY COUNCIL MEETING ON JUNE 22, 2020 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, June 22, 2020.

Council President Pro Tem Johnny Cook presented the invocation and led the Pledge of Allegiance.

A roll call by City Clerk Wesley Moore reflected the following: Present - Mayor Woody Jacobs, Council Member Andy Page, 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 June 8, 2020. 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 June 8, 2020 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 - None

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook reported on the numerous streets that have been paved since purchasing the paving equipment. Also, he reminded everyone to put their brush to be picked up in their yard next to the curb, not in the street and brush pick up is not for picking up trees cut down by contractors.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth reported the Alan Jackson Drive In concert was a success and invited everyone to watch the fireworks show at Heritage Park on July 4th.
5. General Government (Finance, Economic Development, etc.) – No report.

REPORT FROM THE MAYOR

Mayor Jacobs read a resolution honoring and thanking Ed Henke for his 34 years of service on the Zoning Board of Adjustments.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER – None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

RESOLUTION NO. 2020 - 94

TO AMEND THE ANNUAL BUDGET FOR THE CITY OF CULLMAN BEGINNING OCTOBER 1ST, 2019 AND ENDING SEPTEMBER 30TH, 2020

WHEREAS, the Cullman City Council has determined that it serves a public purpose to amend the budget to allocate additional funds for Cullman City Schools for this fiscal year 2020;

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

1. That the General Fund Budget is hereby amended to the amount of \$37,529,376 or so much as may be necessary to defray the expenses and liabilities of the City of Cullman, is hereby appropriated for said purposes as therein specified.
2. This Resolution shall become effective on its passage and approval.

BE IT FURTHER RESOLVED that the Mayor, the City Treasurer, and the City Clerk are hereby authorized (1) to expend such funds as are herein allocated and as directed by the Cullman City Council and (2) to make such line item adjustments as are necessary to accurately reflect the expenditures of each department and any other changes as directed by the Cullman City Council.

ADOPTED BY THE CITY COUNCIL this the 22nd day of June, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of June, 2020.

/s/ Woody Jacobs, Mayor

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

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

**RESOLUTION NO. 2020 – 95
TO AWARD BID FOR VENDING SERVICES**

WHEREAS, bids were received on June 12, 2020 at 10:00 a.m. for vending services to the City of Cullman from Cullman Coca Cola and Pepsi Cola of Cullman, and

WHEREAS, Kyle Clark from Cullman City Parks and Recreation has reviewed the bids and requested the Cullman City Council to award the bid to Cullman Coca Cola; and

BE IT RESOLVED by the Cullman City Council awards the bid to Cullman Coca Cola based on the recommendation of Kyle Clark from Cullman City Parks and Recreation; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Cullman Coca Cola to provide vending services.

ADOPTED BY THE CITY COUNCIL this the 22nd day of June, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of June, 2020.

/s/ Woody Jacobs, Mayor

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. 2020 – 96
TO AWARD BID FOR CONCRETE FINISHING**

WHEREAS, bids were received on June 19, 2020 at 10:00 a.m. for concrete finishing on an “as needed” basis by the City of Cullman, Alabama;

WHEREAS, the low bidder was Ortiz Concrete located in Hanceville, Alabama;

BE IT RESOLVED by the Cullman City Council has evaluated the bids received and has determined that Ortiz Concrete is the lowest responsible bidder; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Ortiz Concrete, Inc. to provide concrete finishing required by the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 22nd day of June, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, Clerk

APPROVED BY THE MAYOR this the 22nd day of June, 2020.

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

RESOLUTION NO. 2020-97

This Resolution is made this **22nd** day of **June**, **2020** (the Effective Date) as an amendment to the resolution made on the **22nd** day of **July, 2019** (Abatement Start Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **REHAU Automotive, L.L.C.** (the Company) under the project name **Project Bumper**. This resolution is amended to show that **REHAU Automotive, L.L.C.** has changed their capital investment figure from **\$10,403,780** to **\$24,849,000**.

WHEREAS, the Company has announced plans for a (check one):

new project or **XX** major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

X all state and local noneducational ad valorem taxes,

X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; 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 **\$ 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 (check all that apply):

X all state and local noneducational ad valorem taxes,

X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes

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 **22nd** day of **June, 2020** .

BY: /s/ Woody Jacobs
Its: 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 Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2020 – 98

**TO ENTER INTO AGREEMENT WITH ALDOT FOR GRADING AND/OR
LANDSCAPING ON RIGHT OF WAY AT INTERSECTION OF HWY 69
AT 24TH STREET SW**

WHEREAS, the Cullman City Council is desirous of performing certain improvements at the intersection of Hwy 69 at 24th Street SW, in accordance with plans prepared by the Alabama Department of Transportation to modify the curb radius at the right turn lane onto 24th St SW in the City of Cullman, Alabama.

NOW THEREFORE BE IT RESOLVED, by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter into an agreement with ALDOT to modify the curb radius at the right turn lane onto 24th St SW in the City of Cullman, Alabama.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 22nd day of June, 2020.

ADOPTED BY THE CITY COUNCIL this the 22nd day of June, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley M. Moore, Clerk

APPROVED BY THE MAYOR this the 22nd day of June, 2020.

/s/ Woody Jacobs, Mayor

Council Member Page 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:

**CITY OF CULLMAN
RESOLUTION NO. 2020-99
FEDERAL GRANT APPLICATION
ENGINEERING DEVELOPMENT AND DESIGN**

WHEREAS, the City of Cullman plans to apply for various federal grant project which will benefit the residents of the City of Cullman; and

WHEREAS, in accordance with federal regulations the City of Cullman has solicited and received proposals from qualified professional engineering firms to provide application development services and all engineering design and inspection services required to implement all approved federally funded grant projects in accordance with all federal regulations.

NOW, THEREFORE, be it resolved that the City Council has evaluated the engineering proposals received and have selected St. John and Associates to provide application development services and all engineering design and inspection services required to implement all approved federally funding grant projects through FY2022 in accordance with federal regulations; and

THAT, the Cullman City Council authorizes St. John and Associates to begin project development activities and in the event a project is determined feasible, St. John and Associates is authorized to begin developing maps, cost estimates, and all other supporting documentation required upon approval of the City Council. Said development services shall be provided by St. John and Associates at no cost to the City of Cullman and in the event the application is approved by a State or Federal agency the Mayor, be and is hereby authorized to enter into a contract with St. John and Associates to provide all engineering services required to implement the above referenced projects in accordance with the approved Engineering fee scale commensurate with the scope of services required to adequately discharge all engineering responsibilities associated with all federally funded projects.

READ AND ADOPTED this the **22nd** day of **June 2020**.

Signed for the City of Cullman:

/s/ Woody Jacobs, Mayor

ATTEST:

/s/Wesley M. Moore, Clerk

Council Member Page 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

**CITY OF CULLMAN
RESOLUTION NO. 2020-100
TO AWARD CDBG GRANT
APPLICATION PREPARATION AND ADMINISTRATION SERVICES**

WHEREAS, the City of Cullman plans to apply for various federal grant project which will benefit the residents of the City of Cullman; and

WHEREAS, in accordance with federal regulations the City of Cullman has solicited and received proposals from qualified grant administrative firms to provide application preparation services and all grant administrative services required to implement all approved federally funded grant projects in accordance with all federal regulations.

NOW, THEREFORE, be it resolved that the City Council has evaluated the administrative proposals received and have selected Community Consultants, Inc. to provide application preparation services and all grant administrative services required to implement all approved federally funding grant projects through FY2022 in accordance with federal regulations; and

THAT, the Cullman City Council authorizes Community Consultants, Inc. to begin project development activities and in the event a project is determined feasible, Community Consultants, Inc. is authorized to begin the application preparation activities upon approval of the City Council. Said application development services shall be provided by Community Consultants, Inc. at no cost to the City of Cullman and in the event the application is approved by a Federal or State agency the Mayor, be and is hereby authorized to enter into a contract with Community Consultants, Inc. to provide all project administrative services required to implement the above referenced projects in accordance with the approved administrative fee scale commensurate with the scope of services required to adequately discharge all project administrative responsibilities associated with all federal requirements.

READ AND ADOPTED this the **22nd** day of **June, 2020**.

Signed for the City of Cullman:

/s/ Woody Jacobs, Mayor

ATTEST:

/s/Wesley M. Moore, Clerk

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

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

**CITY OF CULLMAN
RESOLUTION NO. 2020-101
AUTHORIZATION TO APPLY FOR ALDOT TAP GRANT**

WHEREAS, City of Cullman desires to rehabilitate and construct new handicapped accessible sidewalks along 2nd Avenue from Arnold Street, NE to Oak Drive, NE in downtown Cullman.

WHEREAS, the City of Cullman proposes to submit an application to the Alabama Department of Transportation for grant assistance available through the FY2021 Transportation Alternatives Program (TAP); and

WHEREAS, the estimated total project cost is \$887,908.76, the TAP Grant Ceiling is \$640,000.00 the program requires a cash match of at least 20% of eligible project cost;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Cullman will provide the required local cash match of \$247,908.76, as well all cost associated with engineering design and administrative services; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to file an application for these funds, and in the event a grant is awarded, the Cullman City Council understands that the Mayor will be required to sign certifications and assurances to comply with applicable Federal and State laws, rules and regulations.

READ AND APPROVED by the City of Council of Cullman, Alabama on this the 22nd day of June, 2020.

Signed for the City of Cullman:

/s/ Woody Jacobs, Mayor

ATTEST:

/s/Wesley M. Moore, Clerk

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

BOARD APPOINTMENTS

Council Member Page made a motion to appoint Amy Leonard to the Tree Commission Board. 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 move Zach Lee from supernumerary member to active member on the Zoning Board of Adjustments. 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 President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion and the meeting was adjourned at 7:20 p.m.