

CULLMAN CITY COUNCIL MEETING ON JULY 6, 2020 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:04 o'clock p.m. on Monday, July 6, 2020. 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 June 22, 2020. President Pro Tem Johnny 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 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 June 22, 2020 as written. Council Member Hollingsworth 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 Johnny Cook made a motion to add No.14 under Roman Numeral XI to provide Tier 1 retirement benefits to Tier II plan employees. Council Member Hollingsworth seconded the motion to add the item and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to add No.15 under Roman Numeral XI to extend FFCRA (Family First Corona Response Act) benefits to coincide with the Governor's State of Emergency Declaration through September 9, 2020. Council Member Hollingsworth seconded the motion to add the item 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 – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook asked that residents be patient with paving crews and to be extra cautious in the areas where they are working.
4. Tourism (Parks & Recreation, Airport, etc.) - Chairman Clint Hollingsworth spoke of the success of the fourth of July fireworks at Heritage Park and Airport Manager Ben Harrison spoke regarding the relocation of the taxiway connector, the clearing and grubbing work planned to allow for PAPI lights to be used for runway approach at night, and to upgrade the AWOS weather system.
5. General Government (Finance, Economic Development, etc.) - Chairman Jenny Folsom asked Mr. Bob Young to share the good news of the restructuring of the Duck River bond which resulted in a savings of over \$20 million dollars in principal and interest.

REPORT FROM THE MAYOR – Mayor Jacobs and Economic Development Director Dale Greer announced a Home2Suites hotel with a 1200 sq. ft. conference room will be built on Hwy 157. This is a \$13 million dollar project creating 30 new jobs for the area.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Ricky and Gay White presented a card of appreciation and thankfulness from the neighborhood to the city workers and those who approved the work for repaving Dialsdale Drive SW subdivision which benefitted 41 homes.

PUBLIC HEARINGS – None.

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

Council President Pro-Tem Cook made a motion to grant special event request from Pastor Kevin Wilkinson of Grace of Life Church to hold tent church services in Depot Park on July 31st, August 1st and August 2nd, 2020. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

**CITY OF CULLMAN
RESOLUTION NO. 2020 – 102
AWARD BID TO WIREGRASS CONSTRUCTION COMPANY
FOR TAXIWAY CONNECTOR RELOCATION**

WHEREAS, bids were received for the Airport Improvement Project Taxiway Connector Relocation at Cullman Regional Airport; and

WHEREAS, the low bidder was Wiregrass Construction Company, Inc.; and

BE IT RESOLVED, the Cullman City Council has determined that Wiregrass Construction Company is the lowest responsible bidder; and

BE IT FURTHER RESOLVED THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Wiregrass Construction Company, Inc. for the Taxiway Connector Relocation project at the Cullman Regional Airport.

ADOPTED BY THE CITY COUNCIL this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 2020.

Woody Jacobs, Mayor

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 – 103
AWARD BID TO RFP EMERGENCY SERVICES FOR
CULLMAN REGIONAL AIRPORT SITE CLEARING AND GRUBBING**

WHEREAS, bids were received for the site clearing and grubbing at Cullman Regional Airport; and

WHEREAS, the low bidder was RPF Emergency Services, LLC; and

BE IT RESOLVED, the Cullman City Council has determined that RPF Emergency Services, LLC is the lowest responsible bidder; and

BE IT FURTHER RESOLVED THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with RPF Emergency Services, LLC for the site clearing and grubbing project at the Cullman Regional Airport.

ADOPTED BY THE CITY COUNCIL, this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 2020

/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. 2020 – 104
TO AWARD BID FOR STONE WORK**

WHEREAS, bids were received on **June 26, 2020 at 2:00** p.m. for stone work on an “as needed” basis by the City of Cullman, Alabama;

WHEREAS, the low bidder was Stone and Tile Masonry located in Horton, Alabama;

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

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Stone and Tile Masonry to provide stone work required by the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 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 – 105
TO AWARD BID FOR CONCRETE**

WHEREAS, bids were received on **June 26, 2020 at 2:00** p.m. for concrete on an “as needed” basis by the City of Cullman, Alabama;

WHEREAS, the low bidder was Kirkpatrick Concrete, Inc. located in Vinemont, Alabama;

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

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

ADOPTED BY THE CITY COUNCIL this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 2020

/s/ Woody Jacobs, Mayor

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

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

**CITY OF CULLMAN
RESOLUTION NO. 2020-106
TO AWARD BID TO VIDEO INDUSTRIAL SERVICES FOR VIDEO INSPECTION OF DERBY CREEK SEWER
REHABILITATION PROJECT**

WHEREAS, the City of Cullman has received a State Revolving Loan (SRF) from the Alabama Department of Environmental Management (ADEM) to video inspect and rehabilitate deteriorated sections of the city’s sewer collection system, and

THEREFORE, in accordance with SRF regulations the City of Cullman has solicited and received bids from qualified companies to perform the video inspection phase of the above referenced project in accordance with the approved plans and specifications.

NOW, THEREFORE, be it resolved that the City of Cullman and St. John and Associates have evaluated the bids received and has determined that Video Industrial Services, Incorporated is the low bidder on the video inspection portion of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to award and enter into a contract with Video Industrial Services, Incorporated in the amount of \$254,900.00 to complete all video inspections of the city's sewer collection system in accordance with the approved plans and specifications;

ADOPTED AND APPROVED by the Cullman City Council on this the 6th day of July, 2020.

Signed for the Cullman City Council:

By: /s/Woody Jacobs, Mayor

Attest:

/s/Wesley M. Moore, City 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. 2020-107
AWARD BID TO MANNING CONSTRUCTION FOR
KATHERINE STREET DRAINAGE IMPROVEMENT PROJECT**

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, the City of Cullman has received a Community Development Block Grant to construct infrastructure improvements on Katherine Street.

THEREFORE, in accordance with CDBG regulations the City of Cullman has solicited and received bids from qualified construction companies to construct the drainage improvements portion of the above referenced Neighborhood Improvement Project in accordance with the approved plans and specifications;

NOW, THEREFORE, be it resolved that the Cullman City Council and St. John and Associates, the City's Consulting Engineer, has evaluated the bids received and have determined Manning Construction, LLC is the low bidder on the construction of the drainage improvement phase of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Manning Construction, LLC upon approval from ADECA in the amount of \$355,803.42 to construct the drainage improvements portion of the Katherine Street Improvement Project.

READ AND ADOPTED this the 6th day of July, 2020.

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. 2020 - 108
TO DECLARE ASPHALT MILLINGS SURPLUS OR NOT NEEDED BY THE CITY OF CULLMAN**

WHEREAS, the Cullman City Council hereby finds and determines that the City of Cullman has a surplus of asphalt millings that are 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 these asphalt millings;

BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to sell or disposal of asphalt millings that are no longer needed by the City of Cullman for public or municipal purposes for its current present fair market value.

ADOPTED BY THE CITY COUNCIL this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 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 Folsom held the first reading of Ordinance No. 2020-31 to vacate and surplus the alley near 8th Street NW subject to utility easements.

Council President Folsom held the first reading of Ordinance No. 2020-32 to annex properties located on County Road 590 into the city limits of Cullman as AG-1. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. 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 Member Page made a motion to adopt the following ordinance:

ORDINANCE NO. 2020 – 32

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 the following property owners:

- A. William G. and Elizabeth St. John
- B. Jerry J. III and Jenny L. Dupre
- C. Stanley J. and Deborah P. Schaffer
- D. Anthony D. and Tiffany A. Johnson

have petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described properties, which properties are owned by the petitioners, be annexed into the City of Cullman:

- A. William G. and Elizabeth St. John – A tract or parcel of land containing 25.8 acres of land, more or less and being a part of the South half of the Southeast Quarter of Section 2, Township 11, Rang 3 West, Cullman County, Alabama and being more particularly described as follows:

Begin at a found 5/8 inch rebar marking the Northwest corner of the West Half of the Southwest Quarter of the Southeast Quarter of said Section 2, having an Alabama State Plane, West Zone, NAD 83 Coordinate value of N. 1495117.03', E. 2173494.57' and run thence South 87 degrees 45 minutes 43 seconds East (bearing based on Al. State Plane, West Zone, NAD 83, Grid) and run along the accepted North line, a distance of 1,648.52 feet to a set rebar; thence South 77 degrees 46 minutes 01 seconds West, a distance of 138.60 feet to a set rebar; thence South 25 degrees 03 minutes 20 seconds east, a distance of 342.08 feet; thence North 85 degrees 49 minutes 34 seconds East, a distance of 90.00 feet to a set rebar; thence South 25 degrees 21 minutes 58 seconds East, a distance of 419.12 feet to a set rebar in the center of Cullman County Road No. 590; thence South 68 degrees 41 minutes 14 seconds West and run along said centerline, a distance of 161.40 feet to the point of curvature of a curve to the right, having a central angle of 18 degrees 48 minutes 26 seconds, a radius of 540.00 feet, a chord bearing of South 78 degrees 05 minutes 27 seconds West and a chord length of 176.46 feet; thence run along the arc of said curve and arc distance of 177.25 feet to the point of tangency; thence South 87 degrees 29 minutes 40 seconds West and continue along centerline, a distance of 87.68 to the point of curvature of a curve to the left, having a central angle of 44 degrees 15 minutes 18 seconds, a radius of 196.54 feet, a chord bearing of South 65 degrees 22 minutes 01 seconds West and a chord length of 148.06 feet, thence run along the arc of said curve an arc distance of 151.81 feet to a point marking the center of the intersection of said County Road No. 590 with the center of County Road No. 466; thence South 56 degrees 53 minutes 12 seconds West and run along the center of said County Road No. 466, a distance of 164.69 feet; thence North 17 degrees 43 minutes 20 seconds West, departing said centerline, a distance of 184.42 feet to a fence post; thence run in a Northerly and Westerly direction following an old fence line the following 6 courses; thence North 15 degrees 58 minutes 04 seconds West, a distance of 352.48 feet; thence north 65 degrees 03 minutes 47 seconds West, a distance of 42.63 feet; thence South 70 degrees 34 minutes 59 seconds West, a distance of 81.65 feet; thence South 54 degrees 30 minutes 32 seconds West, a distance of 68.27 feet; thence South 49 degrees 10 minutes 21 seconds West, a distance of 50.84 feet; thence South 01 degrees 40 minutes 26 seconds East, a distance of 113.71 feet to a fence post; thence South 08 degrees 23 minutes 40 seconds East, a distance

of 451.58 feet to a point in the center of County Road No. 466; thence South 43 degrees 19 minutes 16 seconds West and run along said centerline, a distance of 104.69 feet to the point of curvature of a curve to the right having a central angle of 88 degrees 13 minutes 33 seconds, a radius of 132.00 feet, a chord bearing of South 87 degrees 26 minutes 02 seconds West and a chord length of 183.76 feet; thence run along the arc of said curve and arc distance of 203.26 feet to the point of tangency; thence North 48 degrees 27 minutes 12 seconds West, a distance of 53.60 feet to a set rebar on the East line of the West half of the Southwest Quarter of the Southeast Quarter; thence North 00 degrees 26 minutes 11 seconds East and run along said East line, a distance of 862.48 feet to a found capped rebar (CONN-17831); thence North 87 degrees 32 minutes 18 seconds West, a distance of 663.94 feet to a found capped rebar on the West line of said West half; thence North 00 degrees 33 minutes 04 seconds East, a distance of 312.17 feet to the point of beginning.

LESS AND EXCEPT all that part of the above property that is within the right-of-way of Cullman County Roads No. 466 and 590; subject to any rights-of-way and/or easements of record. As recorded in Deed Book 652, Page 946.

LESS AND EXCEPT: A part of the Southwest Quarter of the Southeast Quarter of Section 2, Township 11 South, Range 3 West; begin at the Northwest corner of the Southwest Quarter of the Southeast Quarter; thence East 633 feet; thence 368 feet South; thence West 631 feet; thence North 375 feet to the point lying and being the Northwest corner of the Southwest Quarter of the Southeast Quarter all in Section 2, Township 11 South, Range 3 West, Cullman County, Alabama, containing 5.4 acres more or less.

- B. Jerry J. III and Jenny L. Dupre – 10' evenly off the east line of that certain tract as conveyed to Jerry J. Dupre III and Jenny L. Dupre as recorded in Deed Book 577, Page 130 in the Office of the Judge of Probate, Cullman County, Alabama.
- C. Stanley J. and Deborah P. Schaffer – 10' evenly off the north line of that certain tract as conveyed to Stanley J. Schaffer and Deborah Pudles Schaffer as recorded in Deed Book 572, Page 299 in the Office of the Judge of Probate, Cullman County, Alabama AND 10' evenly off the west line of that certain tract as conveyed to Stanley J. Schaffer and Deborah Pudles Schaffer as recorded in Deed Book 525, Page 478 in the Office of the Judge of Probate, Cullman County, Alabama.
- D. Anthony D. and Tiffany A. Johnson – The East Half of the Northwest Quarter of the Northeast Quarter of Section 11, Township 11, Range 3 West, Cullman County, Alabama. Source of Title: Deed Book 665 Page 949.

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 **AG-1 AGRICULTURAL 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 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 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 Folsom held the first reading of Ordinance No. 2020-33 to annex property located at 947 County Road 1332 into the city limits of Cullman as R-1. Council Member Moss made a motion to suspend the rules to consider the ordinance. 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 Pro Tem Cook made a motion to adopt the following Ordinance No. 2020-33.

ORDINANCE NO. 2020 – 33

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 the following property owner, Lane H. Friedman, 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, owned by the petitioner, be annexed into the City of Cullman:

ADDRESS: 947 County Road 1322

PPIN: 70516

PARCEL: 09-05-22-0-001-039.004

A tract or parcel of land containing 1.6 acres of land, more or less, and being a part of the North half of the Southwest quarter of the Southeast quarter of Section 22, Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows:

Commence at a found bar marking the intersection of the East side of Lake George with the South line of the North half of the Southwest quarter of the Southeast quarter of said section 22, same having a Northing of 1541927.26', and Easting of 2169172.67', Alabama West Zone, NAD 83 and run South 89 degrees 06 minutes of 02 seconds East and run along the accepted South line, a distance of 215.75 feet; thence run North 00 degrees 53 minutes 58 seconds East, a distance of 302.02 feet to a set rebar marking the point of beginning; thence run North 24 degrees 37 minutes 25 seconds East, a distance of 19.35 feet to a set rebar; thence run north 17 degrees 14 minutes 05 seconds West, a distance of 83.03 feet to a set rebar; thence run North 44 degrees 12 minutes 53 seconds West, a distance of 176.86 feet to a set rebar; thence run in a Southerly direction along a line that is 25 feet outside of the high water line of Lake George, the following 9 courses:

South 68 degrees 36 minutes 06 seconds West, a distance of 59.66 feet;

South 66 degrees 38 minutes 16 seconds West, a distance of 78.23 feet;

South 58 degrees 14 minutes 44 seconds West, a distance of 71.78 feet;

South 30 degrees 47 minutes 20 seconds West, a distance of 53.88 feet;

South 04 degrees 09 minutes 57 seconds West, a distance of 41.14 feet;

South 14 degrees 07 minutes 33 seconds West, a distance of 57.17 feet;

South 58 degrees 17 minutes 30 seconds West, a distance of 46.13 feet;

South 83 degrees 19 minutes 19 seconds West, a distance of 42.47 feet;

South 69 degrees 28 minutes 08 seconds West, a distance of 64.61 feet to a set rebar; thence North 72 degrees 39 minutes 32 seconds East, a distance of 206.36 feet to the point of beginning.

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 R1 – 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 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/ Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 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 Folsom held the first reading of Ordinance No. 2020-34 to authorizing a supplemental water supply agreement with the Utilities Board for the Series 2020 Bonds. Council President Pro Tem Cook made a motion to suspend the rules to consider the ordinance. 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 Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2020 - 34
AN ORDINANCE AUTHORIZING A
SUPPLEMENTAL WATER SUPPLY AGREEMENT WITH THE UTILITIES BOARD
OF THE CITY OF CULLMAN RESPECTING THE
SERIES 2020 BONDS OF THE BOARD AND A
CONTINUING DISCLOSURE AGREEMENT PERTAINING TO
THE SAID SERIES 2020 BONDS OF THE BOARD

BE IT ORDAINED by the City Council of the City of Cullman, Alabama, a municipal corporation under the laws of the State of Alabama (the "City"), as follows:

Section 1. Findings. The Council does hereby find and declare that the following facts are true and correct:

(a) The City owns and operates a water distribution system (the "Distribution System") and The Utilities Board of the City of Cullman, a public corporation under the laws of the State of Alabama (the "Board") owns and operates a water supply system (the "Supply System"); and

(b) The Board is presently supplying to the City from the Supply System the City's requirements of filtered water for municipal purposes and for resale through the Distribution System pursuant to a Water Supply Agreement between the Board and the City dated as of June 1, 2011, as heretofore amended and supplemented by (i) an Amendment to Water Supply Agreement between the Board and the City dated December 8, 2014, (ii) a Supplemental Water Supply Agreement between the Board and the City dated March 12, 2015, (iii) a Second Supplemental Water Supply Agreement between the Board and the City dated October 1, 2017, and (iv) a Third Supplemental Water Supply Agreement between the Board and the City dated as of April 1, 2020 (collectively, the "Existing Agreement")

(c) Due to the currently favorable interest rate environment the Board and the City have determined that it is necessary, desirable and in the public interest that the Board redeem and retire its \$58,485,000 initial principal amount Water Revenue Bonds, Series 2011, dated June 3, 2011 (the "Series 2011 Bonds") in order to realize substantial savings in interest costs incident to the water supply system of the Board pursuant to which the Existing Agreement has been entered; and

(d) In order for the Board to provide funds to pay the costs of redeeming, retiring and refunding the Series 2011 Bonds, it will be necessary for the Board to issue its \$46,225,000 aggregate principal amount of Water Revenue Bonds, Series 2020, dated July 14, 2020 (the "Series 2020 Bonds"), and the City hereby requests that the Board issue the Series 2020 Bonds for such purpose; and

(e) The Board and the City recognize that certain amendments to the Existing Agreement are necessary in order to enable the Board to issue the Series 2020 Bonds, and the Board and the City have determined to enter into the Supplemental Water Supply Agreement hereinafter described for such purpose; and

(f) Because the Series 2020 Bonds will be payable from revenues derived by the Board from the City pursuant to the Existing Agreement, as supplemented and amended by the Supplemental Water Supply Agreement, it will be necessary for the City to execute and deliver the Continuing Disclosure Agreement herein authorized respecting the Series 2020 Bonds.

(g) The Council deems it necessary, desirable and in the public interest that the City authorize, execute and deliver the Supplemental Water Supply Agreement and the Continuing Disclosure Agreement.

Section 2. Authorization of Supplemental Water Supply Agreement. The Council does hereby authorize and direct the Mayor of the City to execute and deliver, in the name and on behalf of the City, a Fourth Supplemental Water Supply Agreement with the Board dated July 14, 2020, in substantially the form presented to the meeting at which this ordinance is adopted (which form shall be attached as Exhibit I to the minutes of such meeting and is hereby adopted in all respects), with such changes as the said Mayor shall approve (the "Supplemental Water Supply Agreement"). The City Clerk is hereby authorized and directed to affix the seal of the City to the said Supplemental Water Supply Agreement and to attest the same. The Council hereby further ratifies and affirms the Existing Agreement, as supplemented and amended by the Supplemental Water Supply Agreement herein authorized.

Section 3. **Authorization of Continuing Disclosure Agreement; Disclosure Policies and Procedures.** The Mayor is hereby authorized and directed to sign, for and in the name and on behalf of the City, a Continuing Disclosure Agreement dated the date of the Series 2020 Bonds (herein called the "Continuing Disclosure Agreement"), in substantially the form presented to the meeting at which this ordinance is adopted (which form shall be attached as Exhibit II to the minutes of such meeting and is hereby adopted in all respects), with such changes as the said Mayor shall approve. The Council hereby further authorizes the City Clerk of the City to adopt and implement, for and on behalf of the City, such policies and procedures as said City Clerk shall deem necessary or desirable in order to facilitate compliance by the City with its obligations under the said Continuing Disclosure Agreement and its disclosure obligations generally incident to any current or future securities issued by the City.

Section 4. **General Authorization.** The Mayor and the City Clerk are each hereby further authorized and directed to execute, seal, attest and deliver such other agreements, instruments, notices, directions, orders, certificates or other documents as shall be necessary or desirable in order to consummate the transactions herein authorized.

Section 5. **Severability Provisions.** The various provisions of this ordinance are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this ordinance.

ADOPTED this 6th day of July, 2020.

/s/ Woody Jacobs, Mayor

Attest:

/s/ Wesley M. Moore, City 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:

RESOLUTION NO. 2020 – 109

TO ENTER INTO CONTRACT WITH GOODWYN, MILLS & CAWOOD

WHEREAS, the Cullman City Council has determined that it would serve a public purpose to enter into contract with Goodwyn, Mills & Cawood for professional engineering services related to the replacement of AWOS at the Cullman Regional Airport;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the Mayor is hereby authorized to enter a contract with Goodwyn, Mills & Cawood for professional engineering services related to the replacement of AWOS at the Cullman Regional Airport.

ADOPTED BY THE CITY COUNCIL this the 6th day of July, 2020.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley M. Moore, City Clerk

APPROVED BY THE MAYOR this the 6th day of July, 2020.

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 - 110

TO PROVIDE TIER I BENEFITS TO TIER II PLAN MEMBERS

WHEREAS, under the provisions of Act 2019-132, employers who participate in the Employees' Retirement System pursuant to Ala. Code § 36-27-6 may elect to provide Tier I retirement benefits to Tier II plan members, and

WHEREAS, the City of Cullman participates in the Employees' Retirement System pursuant to Ala. Code § 36-27-6 and wishes to improve retirement benefits for its Tier II plan members;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, that the City of Cullman elects to provide Tier I retirement benefits to its Tier II plan members, subject to approval by the Employees' Retirement System Board of Control; that, if approved, such election shall be effective the following fiscal year and is irrevocable.

BE IT FURTHER RESOLVED that the City of Cullman has reviewed the actuarial cost estimates provided by the Employees' Retirement System for such election and agrees to pay any resulting increases in the employer contribution rates.

BE IT FURTHER RESOLVED that beginning in the month that such election is effective, the City of Cullman's Tier II plan members shall contribute 7.5% of their earnable compensation to the Employees' Retirement System and the City of Cullman's Tier II plan members who are firefighters or law enforcement officers, as defined by Ala. Code § 36-27-59(a), shall contribute 8.5% of their earnable compensation to the Employees' Retirement System, as required by Act 2019-132.

BE IT FURTHER RESOLVED that the City of Cullman has not increased the member contribution rates for its Tier I members as provided by Act 2011-676 and, as required by Ala. Code § 36-27-6.5, the City of Cullman has submitted a plan to the Employees' Retirement System to increase such rates.

ADOPTED AND APPROVED THIS 6TH DAY OF JULY, 2020.

ATTEST:

CITY OF CULLMAN

/s/Wesley M. Moore, City Clerk

/s/ Jenny G. Folsom, Council President

APPROVED

/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. 2020-111

TO EXTEND FFCRA BENEFITS TO COINCIDE WITH STATE OF EMERGENCY DECLARATION

WHEREAS, On March 18, 2020, the Family First Corona Response Act (FFCRA) was signed into law; and

WHEREAS, FFCRA provides for paid sick leave and expanded Family Medical Leave Act for employees under certain condition; and

WHEREAS, FFCRA provides for the exclusion of public safety and public works employees from the provisions of this act, in the interests of the public health, safety, and welfare; and

WHEREAS, the City Council of the City of Cullman, in the State of Alabama, that, in the interests of the public health, safety, and welfare of the citizens of the City of Cullman, the City Council of the City of Cullman hereby excludes from the provisions of FFCRA employees of the following departments:

- Police Department
- Fire Rescue Department
- Sanitation Department
- Wastewater Treatment Plant
- Water and Sewer Departments
- Street Department
- Animal Control Division
- Engineering Department
- City Garage
- Information Technology Department
- Human Resources Department; and

WHEREAS, the City Council, in recognition of the contributions of the employees of these departments to the public health, safety and welfare, approved a five percent (5%) pay stipend for employees in the above-listed departments for all time worked for the twelve-week period beginning April 1, 2020; and

WHEREAS, the State of Emergency declared by Governor Ivey has been extended to September 9, 2020.

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that five percent (5%) pay stipend is hereby approved for employees in the above-listed departments until such time as the Governor's State of Emergency declaration expires.

ADOPTED AND APPROVED THIS 6TH DAY OF JULY, 2020.

ATTEST:

CITY OF CULLMAN

/s/Wesley M. Moore, City Clerk

/s/ Jenny G. Folsom, Council President

APPROVED

/s/ Woody Jacobs, Mayor

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

BOARD APPOINTMENTS

Mayor Jacobs reappointed Rickey Kreps to the Housing Authority Board.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council President Pro Tem Cook seconded the motion and the meeting was adjourned at 7:29 p.m. by a voice vote. Ayes: All. Nays: None.