

**CULLMAN CITY COUNCIL MEETING ON FEBRUARY 22, 2021
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, February 22, 2021. Police Chief Kenny Culpepper led the Pledge of Allegiance and 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 Attorney Roy Williams and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from February 8, 2021. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Moss seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from February 8, 2021 as written. Council Member Page seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council Member Page: Aye. Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) - Chairman Andy Page – No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss – No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook shared the annual spring clean-up is scheduled March 29 through April 2, 2021 with pick-ups on regular trash pick up day. Contact the Sanitation Department if you'd like a recycling bin dropped off at your house and smaller 'granny cans' are available if you don't need the large trash can.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth introduced Airport Manager Ben Harrison who reported the plane crash a half mile west of the airport is under investigation and thanks all the first responder agencies who did their jobs in full cooperation and following the emergency response plan. Also, two of the capital improvement project on the agenda for approval are the rebuilding of the 100 foot runway scheduled to begin in September and updating the AWOS weather station.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

REPORT FROM THE MAYOR – No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA – Mr. Brian Ogstad of 911 Meadowview Drive SE spoke regarding his opinion on a national political topic.

PUBLIC HEARINGS – None.

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

Council Member Page made a motion to approve a special event request from Emily Trahan of St. Paul's Lutheran School to hold a flea market fundraiser from 8:00 am until Noon on Saturday, March 20, 2021. 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 approve a special event request from Steve Smith of Cullman High School Softball Boosters, Inc. to hold a 10k run fundraiser from 8:00 a.m. until 10:00 a.m. on Saturday, February 27th, 2021. 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 Hollingsworth made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 63
APPROVING CHANGE ORDER NO. 1 TO COSTON GENERAL CONTRACTORS, INC**

WHEREAS, the Cullman City Council awarded the bid for Nesmith Park Ballfield to Coston General Contractors, Inc. in the amount of \$779,544.00;

WHEREAS, Cullman City Parks and Recreation Maintenance Supervisor Kyle Clark has recommended that Change Order No. 1 to be approved which will decrease the total cost of the project by \$59,000.00, remove a non-required certification, and significantly improve the structural integrity of the fence;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 1 which will decrease the total cost of the contract with Coston General Contractors, Inc. to \$720,544.00.

ADOPTED BY THE CITY COUNCIL this the 22nd day of February, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of February, 2021.

/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:

RESOLUTION NO. 2021 – 64

ALLOWING THE CITY OF CULLMAN TO ENTER INTO AN INTERGOVERNMENTAL CONTRACT TO RECEIVE WASTEWATER FROM THE CITY OF GOOD HOPE FOR A NEW USER

WHEREAS, the Cullman City Council, in the State of Alabama, recognizes the public need and economic benefit for all of Cullman County to allow for the mutual formation of an intergovernmental contract with the City of Good Hope to authorize the discharge of wastewater at the City of Cullman's discretion in accordance with Section 56-139, Regulation of Waste Received from Other Jurisdictions, of the Code of Ordinances of the City of Cullman; and

WHEREAS, the City of Good Hope has a potential economic development prospect which shall require the use of sewer within the city limits of the City of Good Hope; and

WHEREAS, this project's success is dependent upon being serviced with adequate and essential sanitary sewer; and

WHEREAS, the City of Good Hope does not currently have the infrastructure to provide the necessary wastewater services required and has thus requested permission to allow for the project to contribute its wastewater to the City of Cullman's wastewater system to be acknowledged via an intergovernmental contract between the two municipalities; and

WHEREAS, the intragovernmental agreement shall reflect all Ordinances in accordance with the Code of Ordinances of the City of Cullman, and all costs and fees associated therewith; and

WHEREAS, the property requesting permission to be served is located off of County Road 222, Exit 305, more specifically located at the following:

Commencing at a point on the South right-of-way line of the Trimble Road 420 feet in a Northeasterly direction at a point where the South right-of-way line of the Trimble Road intersects the West line of the Southwest Quarter of the Northeast Quarter of Section 32, Township 10 South, Range 3 West, for the point of beginning, said point also being the Northeast corner of the Stell F. Davis and Elon W. Davis property; thence continuing in a Northeasterly direction along the South right-of-way line of the Trimble Road a distance of 430 feet; thence in a Southeasterly direction 190 feet to a point which is the center of the railroad right-of-way of the Cullman Coal and Coke Company; thence in a Southwesterly direction along the center of said railroad right-of-way a distance of 160 feet to a ditch; thence in a Northwesterly direction along the center of said ditch and parallel with the East line of the Stell F. Davis and Elon W. Davis property a distance of 310 feet to the point of beginning. All of said land lying in the Southwest Quarter of the Northeast Quarter of Section 32, Township 10 South, Range 3 West. Containing two (2) acres, more or less. Description provided by Grantor according to Deed Book 549, Page 218.

WHEREAS, it is in the City of Cullman's best interest, the best interest of economic development and vital to commerce to allow the City of Cullman to enter into an intergovernmental contract with the City of Good Hope to which shall have the authority to allow a user outside the jurisdiction of the City of Cullman to contribute to its wastewater system.

BE IT RESOLVED by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to enter into an intergovernmental contract with the City of Good Hope to receive the wastewater from the above described property located within the city limits of the City of Good Hope.

ADOPTED BY THE CITY COUNCIL this the 22nd day of February, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of February, 2021.

/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 Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021 - 65
APPROVING CAPITAL PROJECTS FOR THE CULLMAN REGIONAL AIRPORT

WHEREAS, the Cullman City Council has determined that approving the following capital projects for the Cullman Regional Airport serves a public purpose:

- a) Reconstruction of the 100' runway;
- b) Replacement of the AWOS (automated weather observation station);
- c) Construction of three new hangars;
- d) Acquisition of aviation easements and land.

BE IT RESOLVED by the Cullman City Council that City Clerk Wesley Moore is hereby authorized, with Cullman County Administrator John Bullard, to secure funding and financing for these capital projects at the Cullman Regional Airport.

THEREFORE, BE IT FURTHER RESOLVED by the Cullman City Council that Mayor Woody Jacobs is hereby authorized to approve and execute the necessary documents to fund, finance, and complete these capital projects at the Cullman Regional Airport.

ADOPTED BY THE CITY COUNCIL this the 22nd day of February, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of February, 2021.

/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. 2021 – 66

BE IT RESOLVED by the Mayor and City Council (the "Council") of the City of Cullman (the "City") as follows:

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

(a) It is necessary, desirable and in the public interest that the City design, develop, make, acquire, install, and equip capital improvements for public purposes within the City, including without limitation additions, renovations and capital improvements to the City-owned water park, various capital improvements to the civic and recreational center of the City, and various other public park and recreational improvements and equipment City (collectively, the "2021 Improvements"), all at an estimated cost of approximately \$29,500,000; and

(b) It is expected that the City will issue one or more series of tax-exempt general obligation warrants expected to aggregate not more than approximately \$30,000,000 in principal amount, the repayment of which will be secured by a pledge by the City of its full faith and credit (the "Obligations"), as part of a plan of finance of the City to provide funds to pay the costs of the 2021 Improvements and of issuing the Obligations; and

(c) The City expects to incur certain costs to be paid out of its general fund (the main operating funds of the City) in connection with the design, acquisition, provision, equipping, installation and construction of the 2021 Improvements prior to the issuance of the Obligations, and the City intends to allocate a portion of the proceeds of the Obligations to reimburse the City for certain of the costs incurred in connection with the design, development, construction, acquisition, provision, equipping, and installation of the 2021 Improvements paid prior to the issuance of the Obligations.

Section 2. Designation. The City does hereby declare that it intends to allocate a portion of the proceeds of the Obligations to reimburse the City for expenditures incurred after the date that is no more than sixty (60) days prior to the date of the adoption of this resolution, but prior to the issuance of the Obligations, in connection with the design, development, construction, acquisition, provision, equipping, and installation of the 2021 Improvements. This resolution is being adopted pursuant to the requirements of the Internal Revenue Code of 1986, as amended, and Treasury Regulations Section 1.150-2(e) promulgated thereunder.

ADOPTED BY THE CITY COUNCIL this the 22nd day of February, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 22nd day of February, 2021.

/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 Hollingsworth made a motion to adopt the following resolution:

**CITY OF CULLMAN
RESOLUTION NO. 2021 – 67**

WHEREAS, the City of Cullman has made it known their intention to apply to the State of Alabama for Recreational Trails Program Funds to construct a multi-purpose trail at the Burrow Hamilton Farm; and

WHEREAS, said programs are limited to funding a maximum of eighty percent (80%) of the proposed project cost which will be used to construct the multi-purpose trail.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Cullman City Council authorizes the Mayor to submit a application to the Recreational Trails Program requesting \$100,000 in grant funds and as part of this application commits to providing twenty percent of the proposed project cost, which will be provided by the City of Cullman in support of this project; and

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City of Cullman understands that it will sign assurances complying with all applicable Federal and State laws, rules and regulations.

ADOPTED AND APPROVED by the Cullman City Council, on this the 22nd day of February 2021.

SIGNED FOR THE CULLMAN CITY COUNCIL:

By: /s/ Woody Jacobs, Mayor

Attest: /s/ Wesley M. Moore, City Clerk

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

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

**CITY OF CULLMAN
RESOLUTION NO. 2021 – 68**

WHEREAS, the City of Cullman has made it known their intention to apply to the Alabama Department of Environmental Management for an Alabama Recycling Fund Grant to construct a recycling facility and purchase a recycle compactor with box and a skid steer; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Cullman City Council authorizes the Mayor to submit an application to the Alabama Department of Environmental Management requesting \$350,000.00 in grant funds; and

BE IT FURTHER RESOLVED, that in the event the grant is awarded, the City of Cullman understands that it will sign assurances complying with all applicable Federal and State laws, rules and regulations.

ADOPTED AND APPROVED by the Cullman City Council, on this the 22nd day of February 2021.

SIGNED FOR THE CULLMAN CITY COUNCIL:

By: /s/ Woody Jacobs, Mayor

Attest: /s/ Wesley M. Moore, City Clerk

Council Member President Pro Tem Cook 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 Hollingsworth made the motion to adjourn. Council Member Page seconded the motion and the meeting was adjourned at 7:22 p.m. by a voice vote. Ayes: All. Nays: None.