

**CULLMAN CITY COUNCIL MEETING ON JUNE 28, 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, June 28, 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 June 7, 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 June 7, 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 – No report.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth reported June's 2nd Friday event had a great turnout.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom shared that the CATS 55 local TV station is now operational.

REPORT FROM THE MAYOR

The traffic light installed at the intersection of the warehouse district street and Steifelmeyer building will be fully operational following an alerting time period in flash mode.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Council President Folsom recognized Hannah Jacobs in the audience and wished her a happy 30th birthday.

PUBLIC HEARINGS – Council President Folsom called the public hearing at 7:08 p.m. regarding a 772 agreement with Rock the South, LLC. The agreement to provide first responder and other services for citizen health and safety for the Rock the South concert was read in its entirety. With no one wishing to speak regarding the 772 agreement, Council President Folsom closed the public hearing at 7:12 p.m.

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

Council Member Moss made a motion to approve a special event request from Amanda Knappenberger for a neighborhood block party on 700 block of 8th St SE between 7th Ave SE and 8th Ave SE on July 4, 2021. 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 approve a special event request from Heather Gudger of Southern Accents for an annual neighborhood block party in the alley behind Southern Accents located at 308 2nd Ave SE on Saturday, July 10, 2021. 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 approve a special event request from Cody Miller of Desperation Church for a Volunteer Team Night Celebration at Depot Park on Sunday, July 25, 2021. 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 approve a special event request from Summer Burden of Restoring Women Outreach for an addiction recovery resources event at Depot Park on September 25, 2021. Council President Pro Tem Cook seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Moss made a motion to approve a special event request from Judith Caples of Cullman Downtown Merchants Association for a Halloween Block Party on 1st Ave SE on October 30, 2021. 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 approve a request from Dollar General Store #22440 located at 1470 County Road 715 for a retail alcohol license (off-premises) which received a favorable recommendation for the City of Cullman Alcohol Review

Committee. 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 approve a request from El Mexcal Mexican Grill, LLC located at 1629 Town Square SW for a restaurant alcohol license (on-premises) which received a favorable recommendation for the City of Cullman Alcohol Review Committee. 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 request from German Axe Throwing Co., LLC located at 419 Main Ave SW for a restaurant alcohol license (on-premises) which received a favorable recommendation for the City of Cullman Alcohol Review Committee. Council Member Moss seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS

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

**RESOLUTION NO. 2021 – 107
AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY**

WHEREAS, the City of Cullman has an opportunity to purchase property adjacent to Heritage Park for public use that appears to meet the requirements of the City of Cullman; and

WHEREAS, the Cullman City Council believes that it is in the best interest of the City to authorize the Mayor to purchase said property at a reasonable price to address public parking;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized to negotiate and to purchase the real property adjacent to Heritage Park under the terms and conditions as he deems just.

ADOPTED BY THE CITY COUNCIL this the 28th day of June, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 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 Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2021 – 108
TO AWARD BID TO GOOD HOPE CONTRACTING TO RESURFACE AND TRAFFIC STRIPE WEST MAIN STREET**

WHEREAS, bids were received on June 8, 2021 at 2:00 p.m. for the West Main Street resurfacing and traffic striping from US 278 to SR 69, ALDOT Project No. ST-022-999-010;

WHEREAS, the following bids were received:

Good Hope Contracting Co., Inc.	\$ 2,259,483.61
Wiregrass Construction Co., Inc	\$ 2,404,083.27

BE IT RESOLVED by the Cullman City Council has evaluated the bids received and has determined that Good Hope Contracting Co. Inc. is the lowest responsible bidder; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Good Hope Contracting, Co., Inc. for the West Main Street resurfacing and traffic striping ALDOT Project No. ST-022-999-010.

ADOPTED BY THE CITY COUNCIL this the 28th day of June, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 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 President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2021 – 109
TO AWARD BID TO WIREGRASS CONSTRUCTION COMPANY, INC.
FOR RUNWAY 2/20 RECONSTRUCTION PROJECT AT CULLMAN REGIONAL AIRPORT

WHEREAS, bids were received on May 7th, 2021 at 11:00 a.m. for the runway pavement and electrical work for AIP Project No. 3-01-0022-029-2021;

WHEREAS, the following bids were received:

Good Hope Contracting Co., Inc.	\$ 7,247,586.75
Wiregrass Construction Co., Inc.	\$ 4,012,534.56

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

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Wiregrass Construction Company, Inc. for the Runway 2/20 Reconstruction AIP Project No. 3-01-0022-029-2021 in the amount not to exceed \$4,012,534.56.

ADOPTED BY THE CITY COUNCIL this the 28th day of June, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 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 - 110

BE IT RESOLVED by the City Council (the "Council") of THE CITY OF CULLMAN, ALABAMA (the "City"), as follows:

Section 1. The Council does hereby find, declare, and ascertain as follows:

- (a) The City enthusiastically supports and encourages economic development within the City in order to develop a solid and diverse local economy, to increase employment opportunities in the City, to broaden the City's tax base, to increase revenues, and to provide necessary and improved services and recreational events to the citizens of the City, thereby improving the quality of life of its citizens and promote the economic health and welfare of its citizens; and
- (b) Amendment No. 772 to the Constitution of Alabama (1901)(Section 94.01 of the Recompiled Constitution of Alabama and hereinafter referred to as "Amendment No 772") authorizes the City to lend its credit to or grant public funds and things of value in aid of or to any business entity for the purpose of promoting the economic development of the City; and
- (c) Rock the South, LLC. is a local industry specializing in the creation, organization, and/or hosting music and festival events for venues of entertainment and festivals.
- (d) The City of Cullman has been approached by Rock the South, LLC. to produce assistance in providing the Cullman event with aid in air quality for dust, to provide citizens a safe and healthy environment.
- (e) Rock the South, LLC. ("Rock") is a company of a few companies capable of producing entertainment of the caliber to bring in suitable tourism and promote the community in a positive way.
- (f) Rock desires to provide an economic boost to the City with a 2 day contract Rock is one of a few companies capable to promote the City provide economic stimulus to the area through tourism, work force development, and sales tax revenue.

- (g) Rock intends to incur a capital investment in excess of three million (\$3,000,000.00) dollars to develop this project to be held in Cullman; and
- (h) Rock implementation of the project are expected to result in the creation of approximately a minimum of 9 full time and 85 temporary jobs and the generation of approximately half a million dollars in sales tax revenue plus lodging taxes to the City, in addition to new sales tax revenue dedicated for educational purposes of for capital improvements for education , new business license revenue, new sales, use tax revenue from materials, increased ad valorem tax revenue to the City and promote Cullman both locally and nationally and
- (i) The development and implementation of the project on the project site is in the best interest of the City and will serve a public purpose and further enhance the public benefit and welfare by, among other things (i) promoting local economic development and stimulating the local economy; (ii) increasing temporary employment opportunities in the City; (iii) increasing the City's tax base, resulting in additional tax revenues for the City; and (iv) promote tourism in the City which constitutes important public benefits to the City and its citizens; and
- (j) It is necessary, proper, and in the public interest, in accordance with Amendment No. 772, that the City should enter into an Agreement (the "Agreement") with Rock pursuant to which Rock will undertake the project. The City will among other items, (i) provide to Rock for the benefit of citizens, police, fire, health and safety, (water tank truck to reduce air pollution for a 2 day concert)
- (k) As required under Amendment No. 772, the City published notice in the June 22, 2021, edition of *The Cullman Times* and *The Cullman Tribune* concerning the proposed action of the Council to approve the Agreement; and
- (l) Providing the assistance for the project as described in the Development Agreement is consistent with and in furtherance of the objectives of Amendment No. 772 and the expenditure of such public funds for the purposes described herein will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and
- (m) As a result of the City's inducements, Rock has decided to undertake the project in Cullman, Alabama.

Section 2. The Mayor is hereby authorized and directed, along with the City Clerk, to execute the Agreement, in substantially the form attached hereto, containing such changes, modifications, or clarifications as the Mayor shall deem necessary, desirable, or appropriate.

Section 3. The Mayor is hereby authorized and directed, along with the City Clerk, to take all actions as may be necessary, including the negotiation and execution of all additional agreements, notices, certificates, or other documents in furtherance of the intent of the Agreement, including without limitation all transactions anticipated, provided for, or made necessary by the Agreement.

Section 4. The Council hereby determines that the expenditure of public funds for services for the purposes specified within the Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

Section 5. The various provisions of this Resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid, illegal, or unenforceable for any reason, the invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Resolution shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

DONE this the 28th day of June, 2021.

/s/Jenny G. Folsom
President of the City Council

ATTESTED BY:

/s/ Wesley M. Moore
City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 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:

RESOLUTION NO. 2021-111

TO CONDEMN AVIGATION EASEMENTS FOR FLIGHT SAFETY

WHEREAS, Cullman Regional Airport Board (the "Board") was created by the City of Cullman (the "City") and the Cullman County Commission (the "County"), pursuant to Chapter 2, Title 4 of the 1940 Code of Alabama on November 26, 1956 (the "Act");

WHEREAS, the Act and Amendments thereto (Alabama Code § 4-4-1, *et seq.*) provide any municipality operating a municipal airport with the power of eminent domain, to be exercised in the same manner and under the same conditions as are provided by law for the exercise of the power of eminent domain for other public purposes;

WHEREAS, the City of Cullman, Cullman County, and the surrounding areas of North Alabama have undergone a tremendous amount of growth, leading to an increased demand for transportation by air in and out of the region, the Board desires to respond to this growth by expanding its facilities in order to increase the aviation services available to the citizens of the City and the County;

WHEREAS, the Board desires that the City and the County condemn parcels of real property located to the west of the airport runway to allow the airport to better serve the growing aviation and transportation needs of the City and the County, and surrounding communities.

THEREFORE, BE IT RESOLVED by the Mayor and Council as follows:

WHEREAS, That in the judgment and opinion of the Board of Directors of the Cullman Regional Airport Board, it is in the public interest and necessary and expedient that the City and the County, acquire and/or condemn rights in those eight (8) certain parcels of land mentioned in Resolution 2021-105, amended to add also the property located at (ix) 693 County Road 1343, Vinemont, AL 35179, and more particularly described as follows (collectively, the "Property"):

(ix) The portion of Parcel 19 located within the "Threshold Siting Surface" (identified in the *South Approach Properties Map of Cullman Regional Airport- Folsom Field* map provided by Goodwyn Mills and Cawood).

Parcel Tax I.D. No. 09-05-16-3-001-009.000

WHEREAS, the obtainment of the Property is necessary to address immediate needs of the Cullman Regional Airport and the expansion of existing adjacent facilities, including the safe approach to the runway of the Cullman Regional Airport, which is in the best interests of the citizens of The City of Cullman and Cullman County in that the same will contribute to the health and general welfare of the citizens of the City, the County and North Alabama.

THEREFORE, the City recommends that the City and the County condemn the Property pursuant to the Act.

BE IT RESOLVED, that the Mayor and Council and the Chair of the Board, to the extent allowed by law, be, and is hereby authorized, empowered and directed to cause said Property to be appraised in accordance with §18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

BE IT RESOLVED, that the Mayor and Council and the Chair of the Board, to the extent allowed by law, is further authorized, empowered and directed to attempt to acquire the above Property for the City and the County for the aforesaid purposes at a fair and reasonable price in accordance with §18-1A-22 of the Code of Alabama, as amended.

BE IT FURTHER RESOLVED, that any prior acts taken by the Board of Directors or its representatives toward the acquisition of said Property, or rights therein, pursuant to the eminent domain code are hereby ratified.

THEREFORE, BE IT RESOLVED, that in the case of failure to acquire said Property or rights therein for the purposes aforesaid by purchase from the owner or owners thereof, the Chairman is hereby authorized to engage Greer B. Mallette, Esq, and Christian & Small, LLP to file and conduct condemnation proceedings on behalf of the Board, the City, and the County, for the acquisition of said Property, or rights therein, by the exercise of the right of the eminent domain as provided for in §30 of the Act.

ADOPTED BY THE CITY COUNCIL this the 28th day of June, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 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 President Folsom held the first reading of Ordinance No. 2021-37 to amend the authorized hours for the sale of alcohol in the city limits of Cullman, Alabama. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-37. Council President Pro Tem Cook 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 Member Moss made a motion to approve Ordinance No. 2021-37.

**ORDINANCE NO. 2021 – 37
TO AMEND THE AUTHORIZED HOURS FOR THE SALE OF ALCOHOL
IN THE CITY LIMITS OF CULLMAN, ALABAMA**

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

Section 1. Sec.4-55. – Authorized hours is hereby deleted in its entirety and replaced with the following:

Sec. 4-55. - Authorized hours.

It shall be unlawful for any person, whether a liquor, wine, or beer licensee or not to sell, offer for sale, or to serve or dispense for offer or reward, or to offer to serve or dispense for reward any liquor, wine, or beer for on premises consumption or off premises consumption, or to allow the consumption of any alcoholic beverages on the licensed premises except during the following hours: Monday from 6:00 a.m. until 11:00 p.m., Tuesday from 6:00 a.m. until 11:00 p.m., Wednesday from 6:00 a.m. until 11:00 p.m., Thursday from 6:00 a.m. until 11:00 p.m., Friday from 6:00 a.m. until 12:00 p.m. (midnight), Saturday from 6:00 a.m. until 12:00 p.m. (midnight), and Sunday from 10:00 a.m. until 10:00 p.m. In addition, it shall be lawful on New Year's Eve (December 31) from 10:00 p.m. until 2:00 a.m. on New Year's Day (January 1) of any year.

Section 2. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 28th day of June, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of June, 2021.

/s/Woody Jacobs, Mayor

Council Member Page seconded the motion to approve the ordinance, 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: Nay. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

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 7:24 p.m. by a voice vote. Ayes: All. Nays: None.