

**CULLMAN CITY COUNCIL MEETING ON JULY 12, 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, July 12, 2021. Fire Chief Brian Bradberry led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Council Member Andy Page, Council Member David Moss, Council Member Clint Hollingsworth and Council President Jenny Folsom. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent - Mayor Woody Jacobs and Council President Pro Tem Johnny Cook.

Council President Jenny Folsom asked the Council to consider the minutes from June 28, 2021. Council Member Moss 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. Council Member Moss made a motion to approve the minutes from June 28, 2021 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 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 July's 2nd Friday event was well attended even with sporadic showers. The next 2nd Friday event will be on September 10.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom reported the financials from October 1 to June 30 reflects an increase in revenues of almost 19% and expenses has also shown an increase of about 13%, mostly due to capital projects. Unemployment is currently at 2.1%, which is much lower than the 6.4% unemployment rate last year. Chairwoman Folsom also shared that Cullman Parks and Rec & Cullman Community Theater will be performing Hello, Dolly! at Cullman High School with performances Friday through Sunday, July 16-18, 2021.

REPORT FROM THE MAYOR - None.

COMMENTS FROM ANYONE NOT ON THE AGENDA

Brian Ogstad of 911 Meadow View Drive NE voiced concerns regarding COVID 19 and the vaccine.
Rhonda Byrd of 1562 County Road 418 spoke regarding the restrooms at Heritage Park being locked on weekends, holidays and before 5:00 p.m.

PUBLIC HEARINGS

Council President Folsom set a public hearing on August 9, 2021 at 7:00 p.m. for Ordinance No. 2021-41 to amend Zoning Ordinance 2021-20 to modify parking space requirements from 20 feet in length to 18 feet in length.

Council President Folsom set a public hearing on August 23, 2021 at 7:00 p.m. for Ordinance No. 2021-42 to vacate an unimproved right of way behind 605 St. Joseph Drive NW.

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

Council Member Hollingsworth made a motion to approve a special event request from Laci Schuman for a parent hosted Pep Rally – Jubilee for CMS football season kick-off in the Warehouse District block of 1st Ave N.E. on Sunday, August 22, 2021. Council Member Page 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. 2021-113

TO EXTEND THE BID FOR CONCRETE FINISHING

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01826) for concrete finishing with Ortiz Concrete for the period of one year;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for concrete finishing with Ortiz Concrete until June 22, 2022;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for concrete finishing, previously awarded to Ortiz Concrete, is hereby extended until June 22, 2022.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 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. 2021-114
TO EXTEND THE BID FOR PLUMBING SERVICES**

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01825) for concrete finishing with Dulaney Plumbing, Inc. for the period of one year;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for plumbing services with Dulaney Plumbing, Inc. until June 8, 2022;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for plumbing services, previously awarded to Dulaney Plumbing, Inc., is hereby extended until June 8, 2022.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 2021.

/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 Page made a motion to adopt the following resolution:

**RESOLUTION NO. 2021-115
TO EXTEND THE BID FOR ELECTRICAL SERVICES**

WHEREAS, the recommendation from the City Clerk Wesley Moore is to extend the current bid (R-01824) for 'as needed' electrical services with K & M Electrical Contractors, LLC for the period of one year;

WHEREAS, the Cullman City Council has determined it would serve a public purpose to extend the current bid for electrical services with K & M Electrical Contractors, LLC until June 8, 2022;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the bid for electrical services, previously awarded to K & M Electrical Contractors, LLC, is hereby extended until June 8, 2022.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 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. 2021-116
TO AWARD BID FOR VARIOUS TYPES OF ROCK**

WHEREAS, bids were opened on June 15, 2021 at 2:00 p.m. for various types of rock for the City of Cullman;

WHEREAS, the following bids were opened:

| | | <u>FOR PICKUP</u> | <u>FOR DELIVERY</u> |
|---|--------------------|-------------------|---------------------|
| C.A. Langford Company, Inc. | Guntersville, AL | No Bid | No Bid |
| Blount Springs Materials Co., Inc. | Cullman, AL | \$ 849,700 | \$ 1,233,530 |
| Vulcan Materials Company, Inc. | Birmingham, AL | \$ 1,208,860 | \$ 1,678,260 |

WHEREAS, the recommendation from Street Superintendent Scott Talley is to award the bid for various types of rock to Blount Springs Materials, the bidder located in Cullman.

BE IT RESOLVED by the Cullman City Council that the bid for various types of rock be hereby awarded to Blount Springs Materials the bidder located in Cullman.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 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 Moss made a motion to adopt the following resolution:

RESOLUTION NO. 2021-117
TO AWARD BID FOR SUPER DUTY TRUCKS

WHEREAS, bids were opened on July 9, 2021 at 2:00 p.m. for Super Duty Trucks for the City of Cullman,

WHEREAS, the low bidder was Schultz Motors, Inc., located in Cullman, Alabama;

BE IT RESOLVED, the Cullman City Council has evaluated the bids received and has determined that Shultz Motors, Inc. is the lowest bidder for super duty trucks.

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Schultz Motors, Inc. to provide one or more super duty trucks in the amount of \$48,000 each.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 2021.

/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 Page made a motion to adopt the following resolution:

CITY OF CULLMAN
RESOLUTION NO. 2021-118

WHEREAS, the City of Cullman City Council has now before it a request by the Building Department of the City of Cullman for an interpretation of Section 10-63 of the Code of Ordinances; and

WHEREAS, more specifically, the Building Department is seeking guidance in defining the term “structures,” within the Code;

THEREFORE, be it resolved by the City Council of Cullman that the Council define the term “structure” within Section 10-63 of the Code of Ordinances to include tangible property such as, but not limited to, retaining walls, fences, patios, pergolas, and outdoor fireplaces, excluding portable fire pits.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 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 Folsom held the first reading of Ordinance No. 2021-38 to annex certain properties into the city limits of Cullman, Alabama. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-38. 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve Ordinance No. 2021-38.

ORDINANCE NO. 2021 – 38

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, Wesley Barbee, 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:

Property Address: 975 County Road 623

Parcel No.: 17-07-36-0-001-006.000

PPIN: 1028

Legal Description: A parcel of land located in the Northwest Quarter of the Northeast Quarter of Section 36, Township 10 South, Range 3 West, Huntsville Meridian, Cullman County, Alabama and more particularly described as commencing and beginning at a railroad spike found in the centerline of County Road 623 and purported to be the Southwest corner of said Quarter-Quarter

Thence from the point of beginning and along said centerline North 00°49'38" West a distance of 109.37 feet to a point; thence departing said centerline South 87°11'34" East a distance of 150.15 feet and passing through a capped iron pin found at 18.60 feet to a found ½" rebar; thence South 00°38'19" West a distance of 104.00 feet to a capped iron pin set; thence North 89°13'33" West a distance of 150.00 feet to the point of beginning and containing 0.36 acres more or less.

To be zoned as R-2 Residential District.

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

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-2 Residential District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2021-39 to annex certain properties into the city limits of Cullman, Alabama. Council Member Page made a motion to suspend the rules to consider Ordinance No. 2021-39. Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Page made a motion to approve Ordinance No. 2021-39.

ORDINANCE NO. 2021 – 39

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, Michael and Heather Au, 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:

Property Address: 452 County Road 1333

Parcel No.: 09-05-22-0-001-017.001

PPIN: 84637

Legal Description: A tract or parcel of land containing 0.72 acres of land, more or less and being a part of the Southeast Quarter of the Northwest Quarter of Section 22, Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows:

Commence at the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 22, having an Alabama State Plane, West Zone, NAD 83 Coordinate Value of N. 1543944.63', E. 2165938.98' and run South 89 Degrees 19 Minutes 21 Seconds East (bearing based on AL. State Plane, West Zone, NAD 83 Grid) and run along the South line, a distance of 2177.34 feet to a point that is 25 feet outside of the 812.4' contour line of Lake George; thence run in a Northerly direction following said outside line the following 3 courses: North 38 Degrees 43 Minutes 27 Seconds West, a distance of 56.77 feet; North 41 Degrees 49 Minutes 01 Seconds East, 74.35 feet; North 65 Degrees 20 Minutes 47 Seconds East, 23.06 feet to a set rebar (Conn -17831) marking the point of beginning; thence continue in a Northerly direction following the 25 foot outside of the 812.4' contour the following 3 courses: North 65 Degrees 20 Minutes 47 Seconds East, a distance of 190.22 feet; North 50 Degrees 55 Minutes 44 Seconds East, a Distance of 101.57 feet; North 02 Degrees 19 Minutes 44 Seconds West, a distance of 43.43 feet to a found cap corner (Conn -17831); thence North 89 Degrees 18 Minutes 27 Seconds West, departing said outside line. A distance of 247.66 feet to a found capped corner (Conn - 17831); thence South 00 Degrees 42 Minutes 10 Seconds West, a distance of 189.78 feet to the Point of Beginning.

Description taken from survey of Joseph E Conn, III, AL. Reg. No. 17831, dated 4/28/20.

Source of title: Deed Book 670 Page 681

To be zoned as R-1 Residential District.

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

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-1 Residential District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

Council President Folsom held the first reading of Ordinance No. 2021-40 to annex certain properties into the city limits of Cullman, Alabama. Council Member Moss made a motion to suspend the rules to consider Ordinance No. 2021-40. Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye. Council Member Moss made a motion to approve Ordinance No. 2021-40.

ORDINANCE NO. 2021 – 40

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, Michael and Heather Au, 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:

Property Address: 452 County Road 1333

Parcel No.: 09-05-22-0-001-017.001

PPIN: 84637

Legal Description: A tract or parcel of land containing 0.72 acres of land, more or less and being a part of the Southeast Quarter of the Northwest Quarter of Section 22, Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows:

Commence at the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 22, having an Alabama State Plane, West Zone, NAD 83 Coordinate Value of N. 1543944.63', E. 2165938.98' and run South 89 Degrees 19 Minutes 21 Seconds East (bearing based on AL. State Plane, West Zone, NAD 83 Grid) and run along the South line, a distance of 2177.34 feet to a point that is 25 feet outside of the 812.4' contour line of Lake George; thence run in a Northerly direction following said outside line the following 3 courses: North 38 Degrees 43 Minutes 27 Seconds West, a distance of 56.77 feet; North 41 Degrees 49 Minutes 01 Seconds East, 74.35 feet; North 65 Degrees 20 Minutes 47 Seconds East, 23.06 feet to a set rebar (Conn -17831) marking the point of beginning; thence continue in a Northerly direction following the 25 foot outside of the 812.4' contour the following 3 courses: North 65 Degrees 20 Minutes 47 Seconds East, a distance of 190.22 feet; North 50 Degrees 55 Minutes 44 Seconds East, a Distance of 101.57 feet; North 02 Degrees 19 Minutes 44 Seconds West, a distance of 43.43 feet to a found cap corner (Conn -17831); thence North 89 Degrees 18 Minutes 27 Seconds West, departing said outside line. A distance of 247.66 feet to a found capped corner (Conn - 17831); thence South 00 Degrees 42 Minutes 10 Seconds West, a distance of 189.78 feet to the Point of Beginning.

Description taken from survey of Joseph E Conn, III, AL. Reg. No. 17831, dated 4/28/20.

Source of title: Deed Book 670 Page 681

To be zoned as R-1 Residential District.

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

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as R-1 Residential District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the property annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 12th day of July, 2021.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of July, 2021.

/s/Woody Jacobs, Mayor

Council Member Hollingsworth 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 Folsom: Aye. Council Member Moss: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS

Council Member Moss moved to appoint Josh Wiggins of Johnny's BBQ to the Tourism Board. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Page moved to appoint Clint Hollingsworth to the Tourism Board. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Abstained: Council Member Hollingsworth.

Council President Folsom asked for a motion to adjourn. Council Member Page made the motion to adjourn. Council Member Moss seconded the motion and the meeting was adjourned at 7:20 p.m. by a voice vote. Ayes: All. Nays: None.