CULLMAN CITY COUNCIL MEETING ON MARCH 28, 2022 IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:03 o'clock p.m. on Monday, March 28, 2022. Assistant Police Chief Craig Montgomery 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 President Pro Tem Johnny Cook, and Council President Jenny Folsom, Council Member David Moss. Also present were Attorney Roy Williams and City Clerk Wesley Moore. Absent: Council Member Clint Hollingsworth

Council President Jenny Folsom asked the Council to consider the minutes from March 7, 2022 and March 11, 2022. 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 President Pro Tem Cook: Aye. Council President Folsom: Aye. Council President Pro Tem Cook made a motion to approve the minutes from March 7, 2022 and March 11, 2022, as written. Council Member Moss seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook: Aye. Council President Folsom: Aye. Council Member David Moss: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

- 1. Public Safety (Fire, Police, etc.) No report.
- 2. Utilities (Water, Sewer, etc.) Chairman David Moss No report.
- 3. Public Works (Street, Sanitation, etc.) Chairman Johnny Cook shared that the Annual Spring Clean-up was completed on time and brush pick up will resume this week.
- 4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth No report.
- 5. General Government (Finance, Economic Development, etc.) Chairwoman Jenny Folsom reported Cullman County unemployment rate is 2.5%, which is the second lowest in the state.

REPORT FROM THE MAYOR

The Cullman Fair Housing Proclamation was presented by Mayor Jacobs. Council President Pro Tem Cook made a motion to adopt the Cullman Fair Housing Proclamation. Council Member Moss seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Mayor Jacobs also gave a report to the council regarding the City's operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

State School Board Candidate, Marie Manning, asked for everyone's support in the upcoming election for State School Board of Education, District 6.

Cullman High School Cross Country Track Coach, Trent Dean, thanked Mayor Jacobs and the City Council for the track equipment and track and field facility, enabling them to host quality track meets.

PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:12 p.m. for Ordinance 2022-13 to rezone property north of Old Hwy 157 from R-4 to PR-2 Planned Unit Development District which received a favorable recommendation from the Planning Commission. With no one wishing to speak regarding the rezoning, the public hearing was closed at 7:14 p.m.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council Member Moss a motion to approve a request from Wesley Moore for the 2022 AHSAA State Track Meet at Cullman High School beginning on May 6, 2022 and ending on May 7, 2022. Council President Pro Tem Cook made seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook a motion to approve, pending the approval of both the Fire Chief and Police Chief, a request from Gary Cornelius for a Relay for Life Party at the Park to be held in Depot Park from 3:00 p.m. until 10:00 p.m. on Saturday, April 30, 2022. Council Member Moss made seconded the motion and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

RESOLUTION NO. 2022 – 49

WHEREAS, the men and women of the City of Cullman Police Department wear their uniforms with dedication, honor and integrity as they protect and defend the community in which they serve; and

WHEREAS, the City Council proudly supports all law enforcement officers and the selfless job in which they perform daily; and

WHEREAS, the City Council recognizes the public need and commitment in backing and strengthening the Police Department's Field Training and Evaluation Program ("FTEP") for all recruit officers in order to produce and attain highly-trained and positively-motivated police officers capable of meeting the high expectations of professional police service of the City of Cullman Police Department; and

WHEREAS, the City Council recognizes that it is imperative from a public safety point to acknowledge the strong and experienced participation in the FTEP by supervising officers to coordinate, train and monitor a successful educational opportunity for all recruit officers; and

WHEREAS, the City Council desires to provide a formal pay incentive for officers who officially serve, while on shift, in a supervising and training role as a Field Training Officer ("FTO") to encourage those supervising officers to serve as a role model in the development of the knowledge, skills and abilities of recruit officers; and

WHEREAS, the City Council recognizes the importance to the community and law enforcement as a whole to encourage continued supervisory participation in the FTEP to provide experience, guidance, and leadership to the recruit officer so that he or she may become a professional and productive solo police officer employed within the City of Cullman Police Department; and

WHEREAS, those officers who actively participate in the FTEP, not to exceed a maximum total of seven officers, shall receive an increase in his or her hourly wage by seventy-five cents (\$0.75) per hour; and

WHEREAS, the supervisor who actively coordinates and supervises the FTEP, not to exceed a maximum total of one supervisor, shall receive an increase in his or her hourly wage by one dollar (\$1.00) per hour; and

WHEREAS, the Field Training and Evaluation Program shall be conducted under the policy of the Cullman Police Department, Procedure 3.702, or as amended hereafter by the Department.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA that this Resolution for Compensation under the Field Training and Evaluation Program will become effective for the pay period beginning on March 7th, 2022. ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022-50

TO AMEND THE CITY OF CULLMAN POSITION CONTROL DETAIL

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail hereby amended accordingly, and is incorporated into the Fiscal Year 2022 City Budget.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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 adopt the following resolution:

RESOLUTION NO. 2022 – 51

WHEREAS, the City of Cullman and Cullman County have provided funds for the construction of a 100'x100' aircraft hangar and multiple properties adjacent to the Airport Board at Cullman Regional Airport; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman that Mayor Woody Jacobs is hereby authorized to secure a loan in the amount of \$2,000,000 (two million dollars) from Peoples Bank of Alabama.

BE IT FURTHER RESOLVED that Mayor Woody Jacobs is further authorized to execute such note and to provide such assurances as required in order to carry out the provisions of this resolution.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022-52

TO AWARD BID FOR FENCING AT WILD WATER WATER PARK

WHEREAS, bids (R-01880) were opened on March 18, 2022, at 2:00 p.m. for fencing at Wild Water Water Park for the City of Cullman,

WHEREAS, the low bidder for fencing at Wild Water Water Park was Parris Fence Company, LLC; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Parris Fence Company, LLC, is the lowest responsible bidder in the amount of \$111,274.87.

BE IT RESOLVED by the Cullman City Council that the bid for fencing at Wild Water Water Park be awarded to Parris Fence Company, LLC.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022 – 53 AUTHORIZING THE MAYOR TO PURCHASE REAL PROPERTY

WHEREAS, the City has been offered a parcel of property from Cullman County Center for the Developmentally Disabled, Inc. being approximately 3.2 +/- acres more particularly described as follows:

Lot One of Professional Coating, Inc., Addition to the City of Cullman, as recorded in the office of the Judge of Probate of Cullman County, Alabama, in Map Book 2008, Page 27, and being a part of the Northwest Quarter of the Southwest Quarter of Section 23, Township 10 South, Range 3 West, Cullman County, Alabama, being more particularly described as follows: Commence at the found railroad spike marking the Southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 23; thence North 00 degrees 19 minutes 22 seconds East along the West line a distance of 349.88 feet to a point; thence South 89 degrees 40 minutes 38 seconds East a distance of 20.51 feet to a set rebar marking the East right-of-way line of Beech Avenue and the point of beginning: Thence North 00 degrees 00 minutes 52 seconds West along said East right-of-way line a distance of 320.13 feet to a set rebar; thence South 89 degrees 54 minutes 58 seconds East, departing said East right of way ling, a distance of 389.29 feet to a set rebar on the West right-of-way line of Third Avenue SE; thence South 15 degrees 49 minutes 00 seconds East along said West right-of-way line a distance of 334.12 feet to set rebar; thence North 89 degrees 46 minutes 22 seconds West a distance of 480.28 feet to the point of beginning. Containing 3.20 acres, more or less. Subject to any right-of-way and/ or easements of record. For source of title, see Deed Book 277, Page 213.

WHEREAS, the City of Cullman has an opportunity to purchase property located near the Cullman County Center for the Developmentally Disabled, Inc. which serves a public and/or a municipal purpose; and

WHEREAS, the Cullman City Council believes that it is in the best interest of the City and the public welfare of its citizens to authorize the Mayor to negotiate, approve and enter into a purchase agreement and to purchase said property at a reasonable price; and

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Cullman that Mayor Woody Jacobs is hereby authorized to negotiate, approve and enter into a purchase agreement to purchase the real property more particularly described above, under the terms and conditions as he deems just by entering into an agreement with the property owner.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022 – 54

ADJUSTMENT POLICY FOR UTILITY BILLING BY THE CITY OF CULLMAN

SECTION 1. The following adjustment policy is established for all utility billing customers who received a bill from the City of Cullman:

- A. Customers may receive 1 (one) leak adjustment and 1 (one) pool fill adjustment in a 12 (twelve) month period.
- B. For a customer to qualify for a leak adjustment:
 - a. The customer's usage must be 2 (two) times more than the customer's past 12 (twelve) month average.
 - b. The customer must have lived at the current address for a minimum of 6 (six) months.
 - c. The customer must provide proof leak has been fixed (typically being a receipt from the repair).
 - d. The duration of the customer's leak cannot exceed a 3 (three) month period.
- C. For a customer to qualify for a pool fill adjustment:
 - a. The customer must allow the City to read the meter before and after the pool is filled.
- D. Leak Adjustments are calculated as follows:
 - a. Amount paid by the customer to the City during leak minus the most current 12 (twelve) month average of the customer for each month during the customer's leak equals the leak adjustment to the customer which will be credited to the customer's account with the City.
- E. Pool Fill Adjustments are calculated as follows:
 - a. Gallons used to fill the pool from the readings by the City times sewer rate equals the pool fill adjustment to the customer which will be credited to the customer's account with the City.
- F. All adjustments are subject to the approval of the Water and Sewer Superintendent of the City of Cullman.
- G. If special circumstances related to an adjustment arises, the Water and Sewer Superintendent of the City of Cullman will forward the adjustment to the City Clerk and/or Legal Counsel of the City of Cullman to resolve the matter.

SECTION 2. This resolution shall be effective on its passage, and adoption by the Cullman City Council.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022-55

THE FISCAL YEAR 2021 ANNUAL AUDIT FOR THE CITY OF CULLMAN

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Mayor to annually appoint an independent auditor to conduct an examination of all books and accounts of the City of Cullman in accordance with the generally accepted auditing standards and to make a full report to the Cullman City Council in writing and under oath;

WHEREAS, Section 11-46-85 of the Code of Alabama 1975 requires the Cullman City Council to spread the full report from the independent auditor upon the minutes;

WHEREAS, the Mayor has appointed Warren Averett CPAs and Advisors to conduct the annual audit for fiscal year 2021;

WHEREAS, Warren Averett CPAs and Advisors has completed the annual audit for fiscal year 2021 and delivered the full report to the Cullman City Council;

NOW THEREFORE BE IT RESOLVED by the Cullman City Council in the State of Alabama that the fiscal year 2021 annual audit is now spread upon the minutes.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022-56

TO REJECT ALL BIDS LANDSCAPING AND IRRIGATION AT WILD WATER WATERPARK

WHEREAS, bids (R-01881) were opened on March 25, 2022, at 2:00 p.m. for landscaping and irrigation at Wild Water Waterpark for the City of Cullman;

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that all bids must be rejected;

BE IT RESOLVED by the Cullman City Council that the bids for landscaping and irrigation at Wild Water Waterpark be rejected by the City of Cullman.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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. 2022 – 57 APPROVING CHANGE ORDER NO. 1 FOR CARCEL & G CONSTRUCTION, LLC

WHEREAS, the Cullman City Council awarded the bid for a parking lot at the Wild Water Waterpark to Carcel & G Construction, LLC in the amount of \$1,912,495.75;

WHEREAS, the City of Cullman wishes to approve Change Order No. 1 to increase the project cost by \$135,987.25 for additional landscaping and irrigation in the parking lot and around the Wild Water Waterpark; and

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 1 which will increase the total cost of the contract with Carcel & G Construction, LLC to \$2,048,483.00.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

ATTEST:

APPROVED BY THE MAYOR of the City of Cullman on the 28th day of March, 2022.

/s/Mayor Woody Jacobs

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

Council President Jenny Folsom held the first reading of Ordinance No. 2022-13 to rezone property north of Old Hwy 157 from R-4 to PR-2 Planned Unit Development District. Council President Pro Tem Cook made a motion to suspend the rules to consider Ordinance No. 2022-13 to rezone property north of Old Hwy 157 from R-4 to PR-2 Planned Unit Development District. 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 President Folsom: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2022-13.

ORDINANCE NO. 2022-13

AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, Jim Hays, the following describe the tract or parcel of land, to-wit:

PPIN: 34034. Parcel No.: 09-09-32-0-001-017.000. Property Address: Old Hwy 157.

Legal Description: A tract of parcel of land containing 30.12 acres of land, more or less, and being a part of the Northeast Quarter of the Southwest Quarter of Section 32, Township 9 South, Range 3 West, Cullman County, Alabama and being more particularly described as follows: Begin at a found axle marking the accepted Northeast corner of said Quarter-Quarter, having an Alabama State Plane, West zone, NAD 83, coordinate value of N. 1533561.00', E. 2157926.31' and run North 89 degrees 30 minutes 29 seconds West (bearing based on Alabama State Plane, West zone, NAD 83 grid), a distance of 1,151.55 feet to a set rebar on the East right-of-way line of Alabama Interstate Highway No. 65; thence South 05 degrees 56 minutes 51 seconds East, a distance of 39.20 feet to a set rebar marking a transition point in said right-ofway line; thence South 20 degrees 37 minutes 03 seconds West, a distance of 156.13 feet to the point of curvature of a curve to the left having a central angle of 02 degrees 09 minutes 29 seconds, a radius of 3519.72 feet, a chord bearing of South 19 degrees 32 minutes 19 seconds West and a chord length of 132.56 feet; thence run along the arc of said curve an arc distance of 132.57 feet to a set rebar marking another transition point in said right-of-way line; thence South 44 degrees 10 minutes 44 seconds West, a distance of 120.62 feet to a set rebar on the accepted West line of said Northeast Quarter of the Southwest Quarter; thence South 00 Degrees 48 minutes 21 seconds East and run along said West line, a distance of 732.52 feet to a set rebar on the North right-of-way line of Old Highway No. 157; thence South 44 degrees 26 minutes 24 seconds East and run along said right-of-way line, a distance of 172.89 feet to a set rebar on the accepted South line of said Quarter-Quarter; thence South 89 degrees 17 minutes 28 seconds East and run along the accepted South line, a distance of 659.23 feet to a found 5/8 inch rebar; thence North 00 degrees 49 minutes 06 seconds West, a distance of 551.38 feet to a found capped corner (Conn-17831); thence South 89 degrees 24 minutes 59 seconds east, a distance of 552.24 feet to a sound capped corner (Conn – 17831) marking the East line of said Quarter-Quarter; thence North 00 degrees 19 minutes 44 seconds West, a distance of 705.02 feet to the point of beginning. Subject to any rights-of-way and/or easements of record.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as R-4 Residential District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from R-4 Residential District to PR-2 Planned Unit Development District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsized, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 28th day of March, 2021 at 7:00 o'clock p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL this the 28th day of March, 2022.

/s/ Jenny Folsom, City Council President

ATTEST:

/s/Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of March, 2022.

/s/Woody Jacobs, Mayor

Council Member Moss 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 President Folsom: Aye. Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye.

BOARD APPOINTMENTS

Council Member Moss made a motion to appoint Rachel Dawsey Peinhardt to the Tree Commission to replace Everett Weir. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None

Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the motion to adjourn. Council Member Moss seconded the motion, and the meeting was adjourned at 7:27 p.m. by a voice vote. Ayes: All. Nays: None.