

# DRAFT

## CULLMAN CITY COUNCIL MEETING MONDAY, FEBRUARY 13, 2023 AT 7:00 P.M. IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 p.m. on Monday, February 13, 2023. Police Chief Dave Nassetta led the Pledge of Allegiance and presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from January 23, 2023. Council Member Moss made a motion to suspend the rules to consider the minutes. Council Member Smith 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 Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Smith made a motion to approve the minutes from January 23, 2023, 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 President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye.

**ADDITIONS/DELETIONS TO AGENDA** – None.

### REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) – Chairman Brad Smith - 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. Park Director Nathan Anderson shared that the annual Strawberry Festival will be held May 6, 2023, and the concert bands will be Blues Travelers, Parmalee, Tim Montana and others.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom - No report.

### REPORT FROM THE MAYOR

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

### COMMENTS FROM ANYONE NOT ON THE AGENDA

Mark Litvine, 2015 Joyce Street, Birmingham, Director of Marketing for R.O.S.S. Recovery Organization of Support Specialist, spoke on the services provided by the non-profit organization to those overcoming addiction.

Noah Carpenter, 166 County Road 1600, invited the council and community to attend the Cullman Community Theater's production of Steel Magnolias this weekend, February 16-19, 2023.

### PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:11 p.m. for Resolution No. 2023-17 for the vacation and surplus of a portion of Twelfth Way NW and Twelfth Street NW which is no longer needed for public or municipal purposes. With no one wishing to speak on this proposed rezoning, the public hearing was closed at 7:12 p.m.

**REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS** - None.

### RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

#### **RESOLUTION NO. 2023 – 17 TO VACATE AND SURPLUS A PORTION OF A PUBLIC STREET**

WHEREAS, the City of Cullman is the owner of portions of Twelfth Way NW and Twelfth Street NW;

WHEREAS, the Cullman City Council finds that this property is not needed for public or municipal purposes and has determined that it is in the interest of the public that such street or portion thereof be vacated;

BE IT RESOLVED by the Cullman City Council that the portions of Twelfth Way NW and Twelfth Street NW are hereby declared vacant and the Mayor is authorized to surplus and sell this property for its fair market value.

ADOPTED BY THE CITY COUNCIL this the 13<sup>th</sup> day of February, 2023.

/s/ Jenny Folsom, President of the City Council

**DRAFT**

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 13<sup>th</sup> day of February, 2023.

/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:

**CITY OF CULLMAN  
RESOLUTION NO. 2023-23**

**WHEREAS**, the City of Cullman has received a State Revolving Loan (SRF) from the Alabama Department of Environmental Management (ADEM) to construct various improvements to the city’s sewer collection system.

**THEREFORE**, in accordance with SRF regulations the City of Cullman has solicited and received bids from qualified companies to refurbish the screen on the South Interceptor Pump Station 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 Apel Machine & Supply Company, Incorporated is the low bidder on the above referenced portion of this project; and

**THAT**, Woody Jacobs, Mayor, be and is hereby authorized to award and enter into a contract with Apel Machine & Supply Company, Incorporated in the amount of \$503,000.00 to complete the South Interceptor Pump Station Screen Refurbishment portion of this project in accordance with the ADEM approved plans and specifications.

**ADOPTED AND APPROVED** by the Cullman City Council on this the 13th day of February 2023.

**Signed for the Cullman City Council:**

/s/Woody Jacobs, Mayor

Attest:

/s/Wesley 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. 2023 – 24  
TO AWARD BID FOR CLASS III B WALL PIPE TO FOLEY PRODUCTS COMPANY**

**WHEREAS**, bids (CB2023-01) were opened on February 2, 2023 at 2:00 p.m. for Class III B wall pipe for the City of Cullman,

**WHEREAS**, the following bids were opened:

ADCO Pipe & Supply	Huntsville, AL	\$70,501.06
Foley Products Company	Cullman, AL	\$64,888.00

**WHEREAS**, the low bidder for Class III B wall pipe is Foley Products Company; and

**WHEREAS**, the Cullman City Council has evaluated the bids received and has determined that Foley Products Company, is the lowest responsible bidder in the amount of \$64,888.

**BE IT RESOLVED** by the Cullman City Council that the bid for Class III B wall pipe be awarded to Foley Products Company.

**ADOPTED BY THE CITY COUNCIL** this the 13th day of February, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 13th day of February, 2023.

/s/Mayor Woody Jacobs

Council Member Smith 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. 2023-25**

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This Resolution is made this 13th day of February, 2023 by the City of Cullman, Alabama, to grant a tax abatement for Project Redesign.

WHEREAS, the Company has announced plans for a major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., **Code of Alabama 1975**) (the Act), the Company has requested from the Granting Authority an Abatement of all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and

WHEREAS, the Company has requested that the abatement of state and local noneducational ad valorem taxes (if applicable) be extended for a period of **10** years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve capital investment of **\$66,000,000** ; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform or observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational ad valorem taxes, all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational ad valorem taxes (if applicable) shall extend for a period of **10** years measured as provided in Section 40-9B-3(h) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the foregoing was duly adopted by the **City of Cullman**, Alabama at a meeting held on the **13<sup>th</sup>** day of **February**, **2023**.

BY: /s/ Woody Jacobs L. S.

Its: Mayor

ATTEST:

/s/ Wesley 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:

## **RESOLUTION NO. 2023 – 26**

### **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 2023 City Budget.

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ADOPTED BY THE CITY COUNCIL, this the 13th day of February, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 13th day of February, 2023.

/s/Mayor Woody Jacobs

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

Council President Jenny Folsom held the first reading Ordinance No. 2023-15 to annex property owned by the North Alabama Agriplex located at 1711 Talley Ho Road as AG-1 Agricultural District.

Council President Jenny Folsom held the first reading Ordinance No. 2023-16 to annex properties owned by K & P Land, LLC, located on County Road 1402 as R-1 Residential District.

Council President Jenny Folsom held the first reading Ordinance No. 2023-17 to annex property owned by Judy Broadstreet and Sharon Sullivan located at 48 County Road 1474 as AG-1 Agricultural.

**BOARD APPOINTMENTS - None.**

Council President Folsom asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council Member Smith seconded the motion, and the meeting was adjourned at 7:16 p.m. by a voice vote. Ayes: All. Nays: None.