

# DRAFT

## CULLMAN CITY COUNCIL MEETING MONDAY, FEBRUARY 20, 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 20, 2023. 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 President Pro Tem Johnny Cook, 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.

Council President Jenny Folsom asked the Council to consider the minutes from February 13, 2023. 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 Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from February 13, 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 Pro Tem Johnny Cook: Aye. 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 - No report.
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** - None.

### PUBLIC HEARINGS

Council President Folsom opened the public hearing at 7:07 p.m. for Ordinance No. 2023-14 to adopt the 2021 International Building Code including the companion codes, which received a favorable recommendation from the Planning Commission. With no one wishing to speak on this proposed rezoning, the public hearing was closed at 7:08 p.m.

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

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

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

**RESOLUTION NO. 2023 – 27**  
**TO AWARD BID FOR BRICK PAVERS MATERIALS AND INSTALLATION TO**  
**BRIGHT LANDSCAPES, LLC FOR THIRD AVE SE AND FIFTH STREET SE PROJECT**

WHEREAS, bids (CB2023-02) were opened on February 16, 2023 at 2:00 p.m. for brick pavers materials and installation for the City of Cullman on Third Ave SE and 5th Street SE,

WHEREAS, the bids were opened and the low bidder for brick pavers materials and installation is Bright Landscapes, LLC; and

WHEREAS, the Cullman City Council has evaluated the bids received and has determined that Bright Landscapes, LLC, is the lowest responsible bidder in the amount of \$21,850.

BE IT RESOLVED by the Cullman City Council that the bid for brick pavers, materials and installation be awarded to Bright Landscapes, LLC.

ADOPTED BY THE CITY COUNCIL this the 20th day of February, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

**DRAFT**

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 20<sup>th</sup> 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 Pro Tem Cook made a motion to adopt the following resolution:

**CITY OF CULLMAN  
RESOLUTION NO. 2023-28  
TO AWARD CDBG GRANT APPLICATION PREPARATION AND ADMINISTRATION SERVICES**

**WHEREAS**, the City of Cullman plans to apply for various federal grant project which will benefit the residents of the City of Cullman; and

**WHEREAS**, in accordance with federal regulations the City of Cullman has solicited and received proposals from qualified grant administrative firms to provide application preparation services and all grant administrative services required to implement all approved federally funded grant projects in accordance with all federal regulations.

**NOW, THEREFORE**, be it resolved that the City Council has evaluated the administrative proposals received and have selected Community Consultants, Inc. to provide application preparation services and all grant administrative services required to implement all approved federally funding grant projects through FY2025 in accordance with federal regulations; and

**THAT**, the Cullman City Council authorizes Community Consultants, Inc. to begin project development activities and in the event a project is determined feasible, Community Consultants, Inc. is authorized to begin the application preparation activities upon approval of the City Council. Said application development services shall be provided by Community Consultants, Inc. at no cost to the City of Cullman and in the event the application is approved by a Federal or State agency the Mayor, be and is hereby authorized to enter into a contract with Community Consultants, Inc. to provide all project administrative services required to implement the above referenced projects in accordance with the approved administrative fee scale commensurate with the scope of services required to adequately discharge all project administrative responsibilities associated with all federal requirements.

**READ AND ADOPTED** this the 20<sup>th</sup> day of February, 2023.

**Signed for the City of Cullman:**

/s/ Woody Jacobs, Mayor

**Attest:**

/s/ Wesley M. Moore, City Clerk

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

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

**CITY OF CULLMAN  
RESOLUTION NO. 2023-29  
FEDERAL GRANT APPLICATION  
ENGINEERING DEVELOPMENT AND DESIGN**

**WHEREAS**, the City of Cullman plans to apply for various federal grant project which will benefit the residents of the City of Cullman; and

**WHEREAS**, in accordance with federal regulations the City of Cullman has solicited and received proposals from qualified professional engineering firms to provide application development services and all engineering design and inspection services required to implement all approved federally funded grant projects in accordance with all federal regulations.

**NOW, THEREFORE**, be it resolved that the City Council has evaluated the engineering proposals received and have selected St. John and Associates to provide application development services and all engineering design and inspection services required to implement all approved federally funding grant projects through FY2025 in accordance with federal regulations; and

**THAT**, the Cullman City Council authorizes St. John and Associates to begin project development activities and in the event a project is determined feasible, St. John and Associates is authorized to begin developing maps, cost estimates, and all other supporting documentation required upon approval of the City Council. Said development services shall be provided by St. John and Associates at no cost to the City of Cullman and in the event the application is approved by a State or Federal agency the Mayor, be and is hereby authorized to enter into a contract with St. John and Associates to provide all engineering services required to implement the above

# DRAFT

referenced projects in accordance with the approved Engineering fee scale commensurate with the scope of services required to adequately discharge all engineering responsibilities associated with all federally funded projects.

**READ AND ADOPTED** this the **20th** day of **February, 2023**.

**Signed for the City of Cullman:**

/s/ Woody Jacobs, Mayor

**Attest:**

/s/ Wesley M. Moore, City Clerk

Council Member Hollingsworth 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. 2023-14 to adopt the 2021 International Building Code and companion codes, which received a favorable recommendation from the Planning Commission.

Council President Jenny Folsom held the second reading of 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 Pro Tem Cook made a motion to adopt Ordinance No. 2023-15.

## **ORDINANCE NO. 2023 - 15**

### **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, North Alabama Agriplex, 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:

PPIN: 48795. Parcel No.17-04-17-0-000-023.010. Property Address: 1711 Talley Ho Road, Cullman, Alabama.

Legal Description: Lot Numbered Thirty-two (32) of the West Industrial Center Park Subdivision as shown and known on the recorded map or plat of said Subdivision, recorded in the Office of the Judge of Probate of Cullman County, Alabama in Map Book 6, Pages 57 and 58, filed for record on December 22, 1975.

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 AG-1 Agricultural District contingent upon the owner granting an easement up to but not exceeding an additional fifty (50) feet in width less any width of existing public road contiguous to said easement for a public road right-of-way including utilities for water, sewer, surface water, natural gas, electric, internet, cable or other public services provided by the City or its franchises.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the properties 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 20th day of February, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 20th day of February, 2023.

/s/Mayor Woody Jacobs

# DRAFT

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 Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance No. 2023-16 to annex properties owned by K & P Land, LLC located on County Road 1402 as R-1 Residential District. Council Member Smith made a motion to adopt Ordinance No. 2023-16.

## ORDINANCE NO. 2023 – 16

### 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, K & P Land, LLC, 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:

PPIN: 76542. Parcel No.17-01-02-0-001-002.005. Property Address: 272 County Road 1402, Cullman, Alabama.

Legal Description: A tract or parcel of land containing 1.01 acres of land, more or less, and being a part of the Northeast Quarter of the Northeast Quarter of Section 2, Township 10 South, Range 3 West, Cullman County, Alabama and being a part of that certain tract as conveyed to Charles and Nancy Schnur, as recorded in Deed Book 626, Page 303 in the Office of the Judge of Probate, Cullman County, Alabama being more particularly described as follows: Being at a found 2 inch pipe marking the accepted Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 2, having an Alabama State Plane, West Zone, NAD83, grid coordinate value of N. 1530738.06", E. 2175122.31, and run thence South 89°38'47" East (bearing based on AL State Plane, West Zone, NAD83 grid), and run along the accepted North line, distance of 159.80 feet to a set rebar; thence South 00°21'11" West, a distance of 150.78 feet to a set rebar; thence South 52°10'14" West a distance of 41.27 feet to a set rebar; thence South 15°30'03" West, a distance of 65.18 feet to a set rebar; thence South 04°23'49" East, a distance of 44.28 feet to a set rebar; thence South 43°24'35" West, a distance of 103.15 feet to a set rebar on the Northeast right-of-line of Cullman County Road No. 1402 and being in a curve to the left having a central angle of 32°06'13", a radius of 155.00 feet, a chord bearing of North 29°33'59" West and a chord length of 85.72 feet; thence run along the arc of said curve an arc distance of 86.85 feet to a found capped corner (Conn - 17831) marking the accepted West line of said quarter-quarter; thence North 00°11'18" East, a distance of 284.41 feet to the point of beginning.

PPIN: 15219. Parcel No. 09-07-35-0-001-091.001. Property Address: 726 County Road 1402, Cullman, Alabama.

Legal Description: A one acre tract of land situated in the NE 1/4 of the SE 1/4 of Section 35, T9, R3W, which lies on the South line of said forty and is surrounded by the shoreline of Lake Catoma on the other three sides. Said land is that portion of an 8 acre tract described in Deed Book 222 Page 429 which was not deed to the City of Cullman to be used as Lake Catoma and remains on the shore line of Lake Catoma, as an isolated one acre tract of land. A small parcel of the 8 acre tract which lies in the SW corner of the NE 1/4 of the SE 1/4 was sold to James B. Hutchens in Deed Book 274, Page 883. The one acre tract lies SW of the Heiber Branch.

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 owner 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 contingent upon the owner granting an easement up to but not exceeding an additional fifty (50) feet in width less any width of existing public road contiguous to said easement for a public road right-of-way including utilities for water, sewer, surface water, natural gas, electric, internet, cable or other public services provided by the City or its franchises.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the properties 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 20th day of February, 2023.

ATTEST:

/s/ Wesley Moore, City Clerk

/s/ Jenny Folsom, President of the City Council

APPROVED BY THE MAYOR this the 20th day of February, 2023.

/s/Mayor Woody Jacobs

# DRAFT

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 President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance No. 2023-17 to annex property owned by Judy Broadstreet and Sharon Sullivan located at 48 County Road 1474 as AG-1 Agricultural District. Council Member Moss made a motion to adopt Ordinance No. 2023-17.

## ORDINANCE NO. 2023 - 17

### 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, Judy Gail Broadstreet and Lynn Sharon Sullivan, have 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:

PPIN: 20377. Parcel No.10-09-30-0-001-020.000. Property Address: 48 County Road 1474, Cullman, Alabama  
Legal Description: A portion of the South half of the Southwest Quarter of Section 30, Township 9, Range 2 West, beginning at the Northwest corner running South 1,010 feet, more or less; then run Southeast 422 feet, more or less, to a point; then run Northeast 345 feet, more or less, to a point; then run Southeast 454.39 feet, more or less, to the center of the road of County Road 1466; then run North 700 feet, more or less, along the center line of County Road 1466; then run West 420 feet, more or less, to a point; then run Northeast 210 feet, more or less, to the center line of County Road 1484; then run West along County Road 1484 to the point of beginning.

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 AG-1 Agricultural District contingent upon the owner granting an easement up to but not exceeding an additional fifty (50) feet in width less any width of existing public road contiguous to said easement for a public road right-of-way including utilities for water, sewer, surface water, natural gas, electric, internet, cable or other public services provided by the City or its franchises.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the properties 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 20th day of February, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 20th day of February, 2023.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook 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 Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

### BOARD APPOINTMENTS

Council Member Hollingsworth moved to appoint Wescott Free to fill the vacancy on the Industrial Development Board caused by the death of Shawn Crider. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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Council President Folsom asked for a motion to adjourn. Council President Pro Tem Cook made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:13 p.m. by a voice vote. Ayes: All. Nays: None.