

DRAFT

CULLMAN CITY COUNCIL MEETING MONDAY, APRIL 10, 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 7:02 p.m. on Monday, April 10, 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 Jenny Folsom, Council President Pro Tem Johnny Cook, 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 March 20, 2023. Council President Pro Tem Cook 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 Pro Tem Cook, 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 March 20, 2023, 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, 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 reported 134 tons was collected during the annual spring clean-up.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth asked CPRST's Christy Turner to share the details of the upcoming Strawberry Fest. Senior Day will be Friday, May 5th, from 9:00 a.m. until 2:00 p.m. and the Strawberry Fest will be May 6th, from 9:00 a.m. until 11:00 p.m.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR

Mayor Jacobs proclaimed April “Fair Housing” Month in Cullman.

PROCLAMATION

WHEREAS, April 11, 2023 marks the 55th Anniversary of the passage of the United States Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which enunciated a National Policy of fair housing without regard to race, color, religion, sex, and national origin; and

WHEREAS, the effective implementation of the National Policy depends on affirmative action at all levels of Government;

NOW, THEREFORE, the City of Cullman, does hereby proclaim the month of April 2023, as Fair Housing Month in recognition of the importance of fair housing to our way of life, and I urge our citizens to obey the letter and the spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Cullman affixed this the 10th day of April 2023.

/s/Mayor Woody Jacobs

Attest:

/s/ Wesley Moore

Also, Mayor Jacobs proclaimed April 30th through May 6th as Small Business Week in Cullman with the following proclamation:

P R O C L A M A T I O N

DRAFT

WHEREAS, small businesses are the backbone of our local, state, and national economies, and the City of Cullman values the dedication and entrepreneurial spirit within our community; and,

WHEREAS, small businesses employ around 61.7 million Americans, totaling 46.4% of private sector employees, and accounted for 62.7% of net new job creation between 1995-2021; and,

WHEREAS, in Alabama, small businesses account for 99.4% of all businesses and these small businesses account for 46.7% of Alabama employment; and,

WHEREAS, the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration (SBA) and other government agencies; and,

WHEREAS, the City of Cullman supports our local small businesses, and we are proud to join in this national effort to help small businesses continue to do what they do best – create jobs – in order to ensure that our communities remain as vibrant tomorrow as they are today.

NOW, THEREFORE, I, Woody Jacobs – as Mayor of the City of Cullman, on behalf of the Cullman City Council and our citizens, and in conjunction with National Small Business Week (NSBW) – do hereby proclaim the week of April 30-May 6, 2023, as

S M A L L B U S I N E S S W E E K

in the City of Cullman, recognizing the important role small businesses play in stimulating our local economy through growth, innovation, and the creation of jobs.

FURTHER, I urge all of our citizens to observe Small Business Week by acknowledging and celebrating the achievements and contributions of small businesses, both locally and nationally.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Cullman to be affixed on this, the 10th day of April, 2023.

/s/ Woody Jacobs, Mayor

Clarence Benefield, representing Disabled American Veterans, spoke regarding the DAV's efforts in raising funds to purchase a van to transport disabled veterans to medical appointments. An appropriation of \$5,000 will be contributed on behalf of the City of Cullman.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council Member Smith made a motion to approve a special event request from Lynsey Todd of Cullman Warehouse District to hold a spring street sale on Friday, April 21st and Saturday, April 22nd from 10:00 a.m. to 5:00 p.m. 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 special event request from Michael Glover of Pure Faith Ministries for Church in Depot Park on Sunday, April 30th, 2023, from 1:00 p.m. to 3:00 p.m. 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 Kelly Pulliam of Cullman Parks, Recreation and Sports Tourism to hold the annual Strawberry Festival in the Special Events District on Saturday, May 6th, 2023. 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 approve a special event request from Christy Turner of the Cullman Parks, Recreation and Sports Tourism to hold the annual 'Dinner on First' in the Warehouse District on May 18th, 2023, at 6:00 p.m. Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

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

RESOLUTION NO. 2023 – 38

TO DECREASE THE THRESHOLD ON ACCOUNTING FOR THE CAPITAL ASSETS OF THE CITY OF CULLMAN

DRAFT

WHEREAS, the City Council finds and has determined that decreasing the threshold on accounting for capital assets of the City of Cullman serves a public purpose to improve the efficiency and effectiveness of the accounting procedures of the City of Cullman;

BE IT RESOLVED by the City Council of the City of Cullman hereby decreases the threshold on accounting for capital assets of the City of Cullman for depreciation purposes from \$20,000 to \$10,000.

ADOPTED BY THE CITY COUNCIL this the 10th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 10th day of April, 2023.

/s/Mayor Woody Jacobs

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 adopt the following resolution:

RESOLUTION NO. 2023 – 39

THE FISCAL YEAR 2022 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 2022;

WHEREAS, Warren Averett CPAs and Advisors has completed the annual audit for fiscal year 2022 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 2022 annual audit is now spread upon the minutes.

ADOPTED BY THE CITY COUNCIL this the 10th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 10th day of April, 2023.

/s/Mayor Woody Jacobs

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:

CITY OF CULLMAN

RESOLUTION NO. 2023 – 40

TO AWARD BID FOR COBBLESTONE HOTEL AND SUITES ROAD IMPROVEMENTS

WHEREAS, the City of Cullman has received a Community Development Block Grant - Economic Development Grant to construct infrastructure improvements to the serve the new Cobblestone Hotel and Suites and a Wissota Chophouse locating 1835 Main Avenue, SE in the City of Cullman.

THEREFORE, in accordance with CDBG regulations the City of Cullman has solicited and received bids from qualified construction companies to construct above referenced improvements in accordance with the approved plans and specifications.

DRAFT

NOW, THEREFORE, be it resolved that the Cullman City Council and St. John and Associates, the City's Consulting Engineer, has evaluated the bids received and have determined Massey Asphalt Paving, LLC is the low bidder on the construction phase of this project; and

THAT, Woody Jacobs, Mayor, be and is hereby authorized to enter into a contract with Massey Asphalt Paving, LLC upon approval from ADECA in the amount of \$189,546.99 to construct the drainage improvements portion of the Katherine Street Improvement Project.

READ AND ADOPTED this the 10th day of April, 2023.

Signed for the Cullman City Council:

By: /s/Woody Jacobs, Mayor

Attest:

/s/Wesley M. Moore, City Clerk

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 second reading Ordinance No. 2023-18 to annex property located on Highway 278 West beside I-65 as B-2 Business District, which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-18.

ORDINANCE NO. 2023 – 18

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, Benjamin Smith and Darlene Smith, 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: 13706. Parcel No.17-04-17-0-000-009.000. Property Address: 0 Highway 278, Cullman, Alabama.

Legal Description: All that part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 10, Range 3 West, that lies East of Highway I-65 and containing 15.9 acres, more or less.

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 B-2 Business District.

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 10th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 10th day of April, 2023.

/s/Mayor Woody Jacobs

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 Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

DRAFT

Council President Jenny Folsom held the second reading Ordinance No. 2023-20 to vacate a utility easement on Lot 1 in the Abbey View Subdivision, which is not needed for public or municipal purposes. Council Member Moss made a motion to adopt Ordinance No. 2023-20.

ORDINANCE NO. 2023 – 20

TO VACATE A UTILITY EASEMENT NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE

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

1. The City of Cullman has a utility easement on Lot 1 in the Abbey View Subdivision Phase One of the City of Cullman also known as 1101 Old Bolte Road SE.
2. The Cullman City Council finds and determines that this utility easement needs to be vacated.
3. The City Council hereby authorizes the Mayor to do as necessary to vacate said utility easement.
4. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 10th day of April, 2023.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 10th day of April, 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 Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading of Ordinance No. 2023-21 to adopt the 2023 Back-to-School Sales Tax Holiday.

BOARD APPOINTMENTS.

Council President Pro Tem Cook made a motion to appoint Police Chief Dave Nassetta to the ARC Board and to reappoint Gary Hollingsworth to the ARC Board. 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 reappoint CATS 55 board members Jenny Folsom, Wesley Moore and Hugh Harris. Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None. Abstained: Council President Folsom.

Council Member Smith made a motion to reappoint Wesley Moore to the Medical Clinic Board No. 2. Council Member Hollingsworth 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 Member Smith made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:29 p.m. by a voice vote. Ayes: All. Nays: None.