

**CULLMAN CITY COUNCIL MEETING
MONDAY, OCTOBER 28, 2024, 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, October 28, 2024. Fire Chief Darren Peeples 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 Jenny Folsom, Council President Pro Tem Johnny Cook, Council Member Brad Smith and Council Member Clint Hollingsworth. City Clerk Wesley Moore and City Attorney Roy Williams were also present. Absent: Council Member David Moss.

Council President Jenny Folsom asked the Council to consider the minutes from October 21, 2024. Council President Pro Tem Cook made a motion to approve the minutes from October 21, 2024, as written. Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

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 noted the leaf truck is coming around to neighborhoods, reminding citizens not to include sticks in the leaves that are to be picked up. Also, thanked the Parks and Police Departments for their part in the Halloween Party held at Palomino RV Park for the Cullman Therapeutic group.
4. Tourism (Parks, Recreation, Airport, etc.) - Chairman Clint Hollingsworth invited everyone to the annual Veteran’s Day event at the Airport on Saturday, November 2nd.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom shared the annual Trunk or Treat hosted by the Police Department will be held on October 29th, beginning at 6:00 p.m.

Cullman City School Superintendent Kyle Kallhoff gave a quarterly update on the school’s capital improvement and construction projects, student and education achievements, and shared that the U.S. Department of Education selected East Elementary as 2024 National Blue Ribbon School, which is based on student performance data.

REPORT FROM THE MAYOR

Mayor Woody Jacobs gave an update on the city’s operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER – None.

RESOLUTIONS, ORDINANCES, HEARINGS, APPOINTMENTS AND OTHER

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

RESOLUTION NO. 2025 – 02

This Resolution is made this **28th** day of **October**, **2024** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **PGI Holdings, LLC.** (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or 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 (check all that apply):

- 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/or all mortgage and recording taxes; 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 **\$1,050,000**; 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 (check all that apply):

- X all state and local noneducational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or all mortgage and recording taxes

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** of Alabama at a meeting held on the **28th** day of **October, 2024**.

BY: /s/ Woody Jacobs
Its: 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. 2025 – 03

This Resolution is made this **28th** day of **October, 2024** (the Effective Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement

for **Project Vance** (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or **XX** 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 (check all that apply):

- X all state and local non-educational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction

taxes levied for educational purposes or for capital improvements for education, and/or all mortgage and recording taxes; 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 **\$43,000,000** ; 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 (check all that apply):

- X all state and local non-educational ad valorem taxes,
- X all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational 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** of Alabama at a meeting held on the **28th** day of **October, 2024**.

BY: /s/ Woody Jacobs
Its: Mayor

ATTEST:

/s/ Wesley Moore, City Clerk

Council Member Smith 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:

RESOLUTION NO. 2025-05

TO AWARD BID FOR A 4WD CREW CAB WORK TRUCK TO MITCH SMITH CHEVROLET

WHEREAS, bids (CB2025-01) were received on October 24, 2024, at 2:00 p.m. for a 4WD crew cab work truck for the City of Cullman, Alabama; and

WHEREAS, the recommendation from Risk Management Director, Chris Dotson, is to award the bid to Mitch Smith Chevrolet, the lowest responsible bidder; and

BE IT RESOLVED by the Cullman City Council that the bid for a 4WD crew cab work truck be awarded to Mitch Smith Chevrolet, the lowest responsible bidder in the amount of \$51,250.

ADOPTED BY THE CITY COUNCIL this the 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

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

RESOLUTION NO. 2025 – 06

This Resolution is made this **28th** day of **October, 2024** (the Effective Date) as an amendment to the resolution made on the **10th** day of **December, 2021** (Abatement Start Date) by the **City of Cullman, Alabama** (the Granting Authority), to grant a tax abatement for **Schulte Building Systems/Inland Southern** (the Company). This resolution is amended to show that **Schulte Building Systems/Inland Southern** has changed their capital investment figure from **\$3,350,000** to **\$4,000,000** and extend the abatement period from the **30th** day of **June, 2023** to **1st** day of **May, 2025** .

WHEREAS, the Company has announced plans for a (check one): new project or **XX** 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 (check all that apply):

- all state and local non-educational 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/or
- all mortgage and recording taxes; 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 **\$ 4,000,000** ; 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 (check all that apply):

- all state and local non-educational 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/or
- all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational 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** of Alabama at a meeting held on the **28th** day of **October, 2024**.

BY: /s/ Woody Jacobs
Its: 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 President Folsom held the second reading of Ordinance No. 2024-23 to rezone property located at 916 Parker Avenue SW from R-3 to R-2 residential district which received a favorable recommendation from the Planning Commission. Council President Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2024 – 23

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 owners, the petitioners, the following describe the tracts or parcels of land, to-wit:

Property Owner: Richard and Evelyn Dahlke. Property Address: 916 Parker Ave SW.

Legal Description: Lot No. 12 and No. 13 in Block 34 of Musgrove's Second Addition to the Town of Cullman, Alabama, as shown on recorded map or plat, between Parker Avenue and Veigl Avenue. Also, the West Half of Lot No. 14 in Block 34 of Musgrove's Second Addition to the Town of Cullman, Alabama, as shown on the recorded map or plat, between Parker Avenue and Veigl Avenue, commencing at the Northwest corner of Lot No. 14, thence South along the East margin of Parker Avenue a distance of 260 feet, thence East along the South margin of Lot No. 14 a distance of 210 feet, thence North and parallel to Parker Avenue a distance of 260 feet to the North boundary of Lot No. 14, thence West 210 feet to the point of beginning as shown on the plat recorded Book 2008, Page 28, in the office of the Cullman County Probate Judge.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as Residential District R-3 on the Zoning Map of the City of Cullman, Alabama under Ordinance 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-3 Residential District to R-2 Residential 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 synopsis, 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 21st day of October, 2024 at 7:00 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 COUNCIL this the 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

/s/ Woody Jacobs, Mayor

Council Member Smith 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 Brad Smith: Aye. Council Member Hollingsworth: Abstained. Council Member Moss: Absent.

Council President Folsom held the second reading of Ordinance No. 2025-01 to annex Pioneer Land Acquisitions, LLC property located on Highway 31 and County Road 715 as B-2 Business District which received a favorable recommendation from the Planning Commission. Council Member Smith made a motion to adopt the following ordinance:

ORDINANCE NO. 2025 – 01

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, Pioneer Land Acquisitions, 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:

PIN: 90195. PARCEL NUMBER: 17-07-26-0-001-041.002. PROPERTY ADDRESS: 0 Highway 31.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 26, TOWNSHIP 10 SOUTH, RANGE 3 WEST, CULLMAN COUNTY, ALABAMA; DESCRIBED AS COMMENCING AT A FOUND ½” CAPPED REBAR (ILLEGIBLE) MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, HAVING AN ALABAMA STATE PLANE, WEST ZONE, NAD 83 COORDINATE VALUE OF (N: 1504216.73, E: 2176246.49); THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER N89-40°38’W 611.33 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF C.S.X. RAILROAD; THENCE ALONG THE RIGHT-OF-WAY A CHORD BEARING AND DISTANCE OF N46-41°48’W 73.34 FEET TO A SET ½” CAPPED REBAR AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF C.S.X. RAILROAD AND THE NORTHERLY RIGHT-OF-WAY OF PHELAN ROAD BEING THE POINT OF BEGINNING; THENCE ALONG THE RIGHT-OF-WAY OF PHELAN ROAD THE FOLLOWING CHORD BEARINGS AND DISTANCES: N89-40°38’W 264.35 FEET TO A SET ½” CAPPED REBAR; THENCE N81-08°48’W 101.12 FEET TO A SET ½” CAPPED REBAR; THENCE N89-40°38’W 50.00 FEET TO A SET ½” CAPPED REBAR; THENCE N53-42°25’W 107.57 FEET TO A SET ½” CAPPED REBAR (BEING 100.00 FEET EAST AND PERPENDICULAR TO THE CENTER OF THE SOUTH BOUND LANE OF US HIGHWAY #31); THENCE PARALLEL TO THE CENTER OF THE SOUTH BOUND LANE OF U.S. HIGHWAY #31 A CHORD BEARING AND DISTANCE OF N33-19°39’W 83.57 FEET TO A SET ½” CAPPED REBAR; THENCE LEAVING THE RIGHT-OF-WAY 57-27°58’E 273.63 FEET TO A SET ½” CAPPED REBAR ON THE SOUTHWESTERLY RIGHT-OF-WAY OF C.S.X. RAILROAD; THENCE ALONG THE RIGHT-OF-WAY A CHORD BEARING AND DISTANCE OF S46-41°48’E 434.48 FEET TO THE POINT OF BEGINNING. BEING 2.00 ACRES MORE OR LESS. SUBJECT TO ANY RIGHTS-OF-WAY AND/OR EASEMENTS RECORDED OR UNRECORDED.

LESS AND EXCEPT A PARCEL OF LAND BEING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 26, TOWNSHIP 10 SOUTH, RANGE 3 WEST, CULLMAN COUNTY, ALABAMA; DESCRIBED AS COMMENCING AT A FOUND ½” CAPPED REBAR (ILLEGIBLE) MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, HAVING AN ALABAMA STATE PLANE, WEST ZONE, NAD 83 COORDINATE VALUE OF (N 1504216.73, E:2176246.49); THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER N89-40°38’W 611.33 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF C.S.X. RAILROAD; THENCE ALONG THE RIGHT-OF-WAY A CHORD BEARING A DISTANCE OF N46-41°48’W 73.34 FEET TO A SET ½” CAPPED REBAR AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF C.S.X. RAILROAD AND THE NORTHERLY RIGHT-OF-WAY OF PHELAN ROAD; THENCE ALONG THE RIGHT-OF-WAY OF PHELAN ROAD THE FOLLOWING CHORD BEARINGS AND DISTANCES: N89-40°38’W 264.35 FEET TO A SET ½” CAPPED REBAR; THENCE N81-08°48’W 101.12 FEET TO A SET ½” CAPPED REBAR; THENCE N89-40°38’W 50.00 FEET TO A SET ½” CAPPED REBAR; THENCE LEAVING THE RIGHT-OF-WAY N22-40°01’W 36.24 FEET TO A SET ½” CAPPED REBAR BEING THE POINT OF BEGINNING; THENCE N21-54°27’W 10.00 FEET TO A SET ½” CAPPED REBAR; THENCE S68-05°33’W 10.00 FEET TO A SET ½” CAPPED REBAR; THENCE S21-54°27’E 10.00 FEET TO A SET ½” CAPPED REBAR; THENCE N68-05°33’E 10.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY RIGHTS-OF-WAY AND/OR EASEMENTS RECORDED AND UNRECORDED.

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 B-2 Business 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 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

/s/ Woody Jacobs, Mayor

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 Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss: Absent.

Council President Folsom held the first reading of Ordinance No. 2025-02 to adopt an electronic records management policy for the City of Cullman. Council Member Smith made a motion to adopt the following ordinance:

ORDINANCE NO. 2025 – 02

AN ORDINANCE AUTHORIZING CITY DEPARTMENTS AND OFFICES TO CREATE AND RETAIN ELECTRONIC RECORDS AND CONVERT WRITTEN RECORDS TO ELECTRONIC RECORDS; AUTHORIZING THE USE OF ELECTRONIC SIGNATURES; AND ADOPTING AN ELECTRONIC RECORDS MANAGEMENT POLICY

WHEREAS, the Alabama Uniform Electronic Transaction Act (“UETA”), codified at Ala. Code 1975 §8-1A-1 et seq, authorizes the City Council to determine whether, and the extent to which City departments and offices will create and retain electronic records and convert written records to electronic records; and

WHEREAS, UETA grants authority to the City Council to determine whether and to what extent City departments and offices may use electronic signatures in the conduct of official business; and

WHEREAS, UETA specifically empowers the City Council to adopt rules and policies for the creation, protection, maintenance, preservation and storage of electronic records; and

WHEREAS, a proposed Electronic Records Management and Imaging Policy has been prepared by City staff and presented to the City Council for approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the “Council”) of the City of Cullman, Alabama (the “City”) as follows:

Section 1. Authority. To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, the City Council hereby authorizes City departments and offices to create and retain electronic records and to convert written records to electronic records and to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Section 2. Scope. To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, this Ordinance is intended to authorize the use of electronic records and electronic signatures in the conduct of official business of the City, by City departments and offices and the conduct of official business with City departments and offices by any person. Such use shall be in accordance with and subject to the provisions of UETA and the rules and policies adopted in Section 4 below. This Ordinance does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

Section 3. Limitations. Notwithstanding anything to the contrary contained in this Ordinance or the UETA:

- (a) In no event shall any legal or binding recognition or effect be given to a record purported to be executed by a City signatory using an electronic signature, if the execution is not duly authorized in accordance with applicable law; and
- (b) In the event that any electronic signature is found by a City department, office or agency to have been used or applied to a City record in violation of this Ordinance, the UETA, or any other law, the electronic signature shall be null and void and the City record signed electronically using the unlawful, fraudulent, unauthorized or otherwise improper electronic signature shall also be null and void, discontinued and unenforceable against the City.

Section 4. Adoption of electronic record management and imaging policy. The Electronic Records Management and Imaging Policy, attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted and approved.

Section 5. Conflict and Severability. In the event any provision of this Ordinance conflicts with any other ordinance of the City of Cullman on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portion of this Ordinance, which shall be deemed separate, distinct and independent provisions enforceable to the fullest extent possible.

Section 6. Effective date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. Publication. This Ordinance shall be published in a newspaper of general circulation in the City of Cullman, Alabama.

ADOPTED BY THE COUNCIL this the 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

/s/ Woody Jacobs, Mayor

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 Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss: Absent.

Council President Folsom held the first reading of Ordinance No. 2025-03 to vacate and surplus a portion of Lot 1 Block 5 Ratliff Hancock Subdivision Bauers Addition, which is owned by the city. Council President Pro Tem Cook made a motion to adopt the following ordinance:

ORDINANCE NO. 2025 – 03

TO VACATE AND SURPLUS PROPERTY NOT NEEDED FOR ANY PUBLIC OR MUNICIPAL PURPOSE

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

SECTION 1. The City Council hereby established and declared that the following described real property of the City of Cullman, Alabama, is no longer needed for public or municipal purposes, to-wit:

A triangular parcel of land being .034 acres, more or less, which is a portion of Lot 1 in Block 5 in the Ratliff and Hancock Subdivision of the Bauer’s Addition, more particularly described as follows: commence at the northeast corner of Lot 1 in Block 5 in the Ratliff and Hancock Subdivision of the Bauer’s Addition; thence run west 60 feet; thence run southeast 78 feet; thence run north 50 feet to the point of beginning.

PROPERTY IS BEING PURCHASED IN “AS IS” CONDITION.

SECTION 2. The Cullman City Council hereby declares the above described property to be surplus and not needed by the City of Cullman for public or municipal purposes.

SECTION 3. The City Council hereby authorizes the Mayor and City Clerk to sell this property for its fair market value.

SECTION 4. This ordinance shall become effective upon its passage and publication as required by law.

ADOPTED BY THE COUNCIL this the 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

/s/ Woody Jacobs, Mayor

Council Member Smith 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 Brad Smith: Aye. Council Member Hollingsworth: Aye. Council Member Moss: Absent.

Council President Folsom held the first reading of Ordinance No. 2025-04 to confirm and ratify the levy of taxes for educational purposes in the City of Cullman. Council Member Smith made a motion to adopt the following ordinance:

ORDINANCE NO. 2025 – 04

AN ORDINANCE CONFIRMING AND RATIFYING THE LEVY OF A 7.5 MILL AD VALOREM TAX AND A ONE-HALF CENT SALES AND USE TAX FOR PUBLIC SCHOOL PURPOSES IN THE CITY OF CULLMAN

BE IT ORDAINED by the Cullman City Council (herein called "the Council"), the governing body of the City of Cullman (herein called "the City"), as follows:

Section 1. Findings. The Council hereby finds and declares as follows:

(a) that there is presently being levied in the City, pursuant to Section 216.04 of the Constitution of Alabama of 2022, and proceedings taken thereunder, a special school tax of 7.5 mills per dollar, the proceeds of which are used exclusively for general public school purposes (herein called the "Special School Tax") and are paid to the Cullman City Board of Education (herein called "the Board");

(b) that there are presently being levied in the City, pursuant to Article 3 of Chapter 51 of Title 11 of the Code of Alabama 1975, as amended, sales and use taxes at the rate of one-half of one percent (herein together called the "City Sales and Use Tax"), the proceeds of which are appropriated and paid to the Board for general public school purposes;

(c) that the Board has reported to the City that the Board proposes to issue its Special Tax School Warrants, Series 2024-A, in the approximate principal amount of \$30,415,000 (herein called "the Series 2024-A Warrants"), for the purpose of financing a portion of the costs of various public school capital improvements in the City, including, without limitation, a new Cullman Intermediate School and a new technical education/STEM wing at Cullman High School (herein called "the 2024 School Improvements"), and to pledge, for the payment of the principal of and interest on the Series 2024-A Warrants and among other revenues available to the Board, the proceeds of the Special School Tax presently being paid to the Board; and

(d) that the Board has reported to the City that the Board proposes to issue its Special Tax School Warrants, Series 2024-B, in the approximate principal amount of \$1,920,000 (herein called "the Series 2024-B Warrants"), for the purpose of financing a portion of the costs of the 2024 School Improvements, and to pledge, for the payment of the principal of and interest on the Series 2024-B Warrants, the proceeds of the City Sales and Use Tax presently being paid to the Board.

Section 2. Pledge. (a) The City hereby pledges, to the Board and to the registered owners of the Series 2024-A Warrants, the Special School Tax and the proceeds therefrom and agrees that it shall continue to levy and provide for the collection and assessment of the Special School Tax and to pay the same over to the Board until the final retirement of the Series 2024-A Warrants, now expected to occur on or before March 1, 2054.

(b) The City hereby pledges, to the Board and to the registered owners of the Series 2024-B Warrants, the City Sales and Use Tax and the proceeds therefrom and agrees that it shall continue to levy and provide for the collection and assessment of the City Sales and Use Tax and to pay the same over to the Board until the final retirement of the Series 2024-B Warrants, now expected to occur on or before March 1, 2032.

ADOPTED BY THE CITY COUNCIL this 28th day of October, 2024.

/s/ Jenny Folsom, City Council President

ATTEST:

Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

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

BOARD APPOINTMENTS – None.

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